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mit the same for your favorable consideration.

Also (H. B. No 285) entitled an act for the benefit of the normal institute of Big Bottom Township, Independence County, Arkansas.

Also (Sub. for S. B No 136) entitled a bill to be entitled an act to amend an act entitled an act to authorize counties to subscribe stock in railroads approved July 23, 1868, and herewith transmit the same for your favorable consideration.

Also (S. M. No 40) entitled a memorial to congress to make settlement with Southern Methodist Publishing House, and herewith transmit the same for your favorable consideration.

Also (H. B. No 191) a bill to be entitled an act to repeal an act entitled an act to authorize the county courts of the several counties of the state of Arkansas to issue bonds to build a court house and jail in the several named counties.

Also, (Senate Bill No 159) entitled an act for an act to be entitled an act to amend section eight (8) of an act to amend an act entitled an act providing for the building and repairing of the public levees of this state, approved March 23, 187, and herewith transmit the same for your favorable consideration.

The question being on the motion that the Committee of Ways and Means be instructed to report the bill of the House (H. R. 52) entitled An act to amend section 133 of an act regulating the assessment and collection of the revenue of the State of Arkansas, approved March 25, 1871 in 16 o'clock A. M., of Friday, April 11, 1873: together with the pending amendment thereto, that the committee be instructed to report the bill within ten minutes.

Which do-late.

Mr. Copeland moved the previous question, which was seconded and under the operation thereof the amendment was disagreed to.

The original motion was then agreed to.

On motion of Mr. Murdock.

The House proceeded to consider the unfin-

tute for the bill of the Senate (Sub. S. 37) entitled An act to make an appropriation to improve the Petit Jean river from its confluence with the Arkansas river to Dardanelle.

Which was read a first time.

Mr. Bott moved that the further consideration of the bill be indefinitely postponed.

Mr. Kent moved as a substitute that the bill lie on the table subject to the call of the House.

Which was not agreed to.

The question recurring on the motion that the further consideration of the bill be indefinitely postponed.

Pending the consideration of the motion,

A message from his Excellency the Governor by Mr. McCanneay his private secretary, who, by unanimous consent read the same as follows, viz:

Executive Department, Arkansas.
Little Rock, April 10th 1873.

To the House of Representatives of Arkansas.

Gentlemen: I have signed and approved House bill entitled "An act to provide for filling vacancies in certain cases" which is herewith returned.

Elisha Baxter.
Governor of Arkansas.

The hour of 11 o'clock and 30 minutes A. M. having arrived, being the hour set for the consideration of the substitute for the bill of the House (H. R. 232) entitled An act to supply casual deficits in the revenue of the state.

On motion of Mr. Thurman

The consideration of the special order was postponed until 11 o'clock and 30 minutes A. M. of Friday, April 11, 1873.

The House having under consideration the substitute for the bill of the House (Sub. H. R. 37) entitled An act to make an appropriation to improve the Petit Jean river from its confluence with the Arkansas river to Dardanelle: together with the pending motion that the further consideration

of the bill be indefinitely postponed.

Mr. Kent moved as a substitute that the bill lie on the table subject to the call of the House.

Which was not agreed to.

The question recurring on the motion that the further consideration of the bill be indefinitely postponed.

Mr. J. G. Berry moved the previous question which was seconded and the main question ordered, viz: Shall the consideration of the bill be indefinitely postponed?

Mr. Sale asked for the yeas and nays.

The question being put,

It was decided in the negative, - yeas 33, nays 38,

The yeas and nays being desired by five members.

Those who voted in the affirmative are:-

Messrs.

Berry, J. G.
Bevins, Chas. E.
Beasley,
Breidenthal,
Chandler,
Chapman,
Cunningham,
Ennis,
Eagle,
Gist,
Gilbreath,
Gossett,
Grimm,
Hadley,
Hayden,
Lee,

Messrs.

Lyons,
Merritt,
McVeigh,
Matheny,
Mitchell,
Preston,
Randall,
Reid,
Robertson,
Sumpter,
Thomas,
Thurman,
Tyler,
Thornburg,
White,
Williams,

Those who voted in the negative are:-

Messrs.

Berry, C. E.
Brown, Neal.
Chapline,
Cobell,

Messrs.

Kent
Murphy, J. M.
Murphy, Thos.
McLeod,

Messrs. Cleveland, Cox, Copeland, Crowley, Cate, Dane, Fox, Furbush, Hankins. A. M. Hankins. O. S. Hankins. Mann, Jordyn, Johnson. Adam Johnson. J. M. Kingston,

Messrs. Marshall, McGlashen, Millett, Nunn, Page, Robinson, Sayles, Shiggley, Shubael, Spears, Stephenson, Stuart, Tinker, Warwick, The Speaker,

So the House refused to indefinitely postpone the further consideration of the bill.

By unanimous consent,

On motion of Mr. Fox

Under a suspension of the rules.

The bill was read a second time by title

Mr. Sayles moved that the bill be referred to the Committee on Internal Improvements,

Mr. Kent moved as an amendment that the bill be referred to the Committee on the Judiciary.

Which was not agreed to.

The motion to refer the bill to the Committee on Internal Improvements was then agreed to.

On motion of Mr Fox,

The House proceeded to consider the substitute for the bill of the Senate (S. 132) entitled An act to divide the state into sixteen judicial circuits. to confer original jurisdiction in all matters pertaining to probate and administration upon circuit courts. and to fix the time for holding said courts.

By unanimous consent

The bill was read a second time by title

And,

On motion of Mr. J. M. Johnson.

Ordered. That the bill lie on the table and

be made special order for a third reading for 11 o'clock and 30 minutes A.M. of Friday, April 14, 1893.

On motion of Mr. J. M. Murphy,

The House proceeded to consider the bill of the House (H. R. 79) entitled An act for the protection of farmers.

Which was read a third time, and placed upon its passage.

Mr. J. M. Murphy moved the previous question which was seconded, and the main question ordered, viz: Shall the bill pass?

The question being put,

It was decided in the affirmative, — yeas 54, nays 3, not voting 24;

Those who voted in the affirmative are:—

Messrs.

Berry, C. E.
Berry, J. H.
Brown, Chas. T.
Brumley,
Brickenthal,
Chaplin,
Corbell,
Cleveland,
Coit,
Copeland,
Chandler,
Conley,
Cate,
Cunningham,
Davis,
Eagle,
Fisk,
Funkhouser,
Foster,
Gist,
Gossett,
Hankins, O. S.
Hankins, Thomas
Haynes,
Harley,
Irby,
Kingston,
Kent,
Lee,
Lynn,
Latta,
Murphy, J. M.
Murphy, Wm.
McClellan,
McVeigh,
Matheny,
Mitchell,
Preston,
Reid,
Robinson,
Sayles,
Shipley,
Sheppard,
Spears,
Stephenson,
Stone,
Sumpter,
Symes,
Thomason,
Tillar,
Thornberry,
White,

Messrs. Johnson, Adam
Johnson, J. D.
Those who voted in the negative are:-
Messrs. Brown, Reed
Eynon,
Those absent or not voting are:-
Messrs. Begadsley,
Chapman,
Gilbraith,
Grissom,
Hankins, A. M.
Harris,
Joyner
McLeod,
Marshall,
Millen
Nunn,
Page,
So the Bill was passed.
Mr. McGehee moved that the vote just taken be reconsidered, and also moved that the motion to reconsider be laid on the table; which latter motion was agreed to.
On motion of Mr. Kent,
The House proceeded to consider the substitute for the Bills of the Senate (S. 46, 95) entitled An act to redistrict the state for Congressional purpose.
Which was read a first time,
And,
On motion of Mr. Kent,
Ordered, That the Bill lie on the table subject to the call of the House
Under a suspension of the rules for that purpose,
Mr. Joyner introduced a bill (H. R. 345) entitled An act to provide for the payment of the mileage and per diem of the members of the General Assembly.

Messrs. Hines,
The Speaker,
Those who voted in the negative are:-
Messrs. Merritt,
Those absent or not voting are:-
Messrs. Pindall,
Parrish,
Parkins,
Robertson,
Shepperson,
Stewart,
Thorne,
Warwick,
Wheat,
Walker,
Williamson
Wright,

Which was read a first time.

Mr. McGehee moved that the bill be rejected and also moved the previous question which was seconded and the main question ordered, viz:- Shall the bill be rejected?

Mr. McGehee asked for the yeas and nays.

The question being put,

It was decided in the affirmative.—

Yeas 45, nays 18,

The yeas and nays being directed by the members,

Those who voted in the affirmative are:-

Messrs.

Berry, J. M.
Brown, Neal
Beasley,
Brickenthal,
Cleveland,
Copeland,
Chandler,
Cute,
Cunningham
Ennis,
Eagle,
Fox,
Gist,
Gilbreath,
Gossett,
Grimm,
Hopkins, Monroe,
Hopkins,
Harley,
Johnson, J. M.
Kingston,
Lyon,

Messrs.

Latta,
McLeod,
McGehee,
Miller,
Mayberry,
Preston,
Pridgett,
Reid,
Robertson,
Robinson,
Shrigley,
Spears,
Strong,
Sandifer,
Turner,
Thomas,
Thomason,
Tillar,
Warwick,
White,
The Speaker,

Those who voted in the negative are:-

Messrs.

Berry, C. E.
Bunn, Chas. F.
Cox,
Chapman,
Crowley,

Messrs.

Lee,
Murphy, J. M.
Mitchell,
Nunn,
Rankin

Messrs.

Foster.
Hawkins, O.S.
Johnson, Adam
Joyner.

Messrs.

Sadler.
Sharpe.
Stephenson.
Williams.

So the Bill was rejected.

Mr. Warwick moved that the House proceed to consider the Bill of the Senate (S. 81) entitled An act to encourage Immigration to the State of Arkansas.

Pending which.

Mr. Sadler, at 12 o'clock and 15 minutes P.M. moved that the House take a recess until 3 o'clock P.M.

Mr. McGehee moved that the House adjourn.

Which was not agreed to.

The question recurring on the motion that the House take a recess.

It was agreed to.

And thereupon.

The House at 12 o'clock and 17 minutes P.M. took a recess until 3 o'clock P.M.

After the Recess

The House met at 3 o'clock P.M.

The roll being called it appeared that the following named members were present and answered to their names, viz:-

Messrs. C. E. Berry, J. M. Berry, Chas. F. Brown, Beasley, Bridenthal, Chaplin, Cleveland, Coit, Copeland, Chandler, Chapman, Crowley, Cate, Cunningham, Ennis, Eagle, Fox, Foster, First, Gilbreath, Garrett, Grissom, A. M. Hawkins, O. S. Hawkins, Homer Hawkins, Harris, Haynes, Hanley, Jordan, Adam Johnson, J. M. Johnson, Joyner, Kingston, Kent, Lyons, J. M. Murphy, Wm. Murphy, McLeod, Marshall, McGehee, Merritt, McAllen, McKinzie, Matheny, Mitchell, Nunn, Paige, Preston, Pindall, Rawlins, Reid, Robinson, Sadler, Shipley, Sharpe, Spears, Stephenson, Shepperd, Strong, Stewart, Turner, Thomas, Thomason, Thornbury, Warwick, White,

Williams, The Speaker.

The House resumed consideration of the question that the House proceed to consider the bill of the Senate (S. 81) entitled An act to encourage immigration to the state of Arkansas.

Which was read a second time.

Mr. Warwick moved that the rules be suspended, and that the bill be read a third time.

Which was not agreed to (two-thirds of the members present not voting therefor).

Yeas.

On motion of Mr. Warwick.

Ordered That the bill lie on the table subject to the call of the House.

On motion of Mr. Turner

The House proceeded to consider the substitute for the bill of the House (H. R. 287) entitled An act in relation to forfeited lands in certain counties.

Which was read a third time and placed upon its passage.

Pending the consideration of the bill.

Mr. Ort from the committee on Enrolled Bills reported correctly enrolled the bill of the House (H. R. 122) entitled An act for the better regulation and efficiency of railroad companies.

A message from the Senate by Mr. Orrick their Secretary, viz:-

Senate Chamber April 11, 1873

Mr. Speaker:- I am instructed by the Senate to inform your honorable body of the passage by the Senate of House bill No 34 entitled An act to provide the mode of holding all general and special elections in the state of Arkansas with the accompanying amendments, and herewith respectfully return the same asking your concurrence therein.

The House having under consideration the substitute for the bill of the House (H. R. 287) entitled An act in relation to forfeited lands in certain counties,

Mr. Ervin moved that the Bill be referred to the Committee on Railroads.

After debate,

Mr. Kingston moved the previous question, which was seconded and under the operation thereof the motion was disagreed to.

Mr. McGehee moved that the bill be referred to the Committee of Ways and Means.

Pending the consideration of the motion,

A message from the Senate by Mr. Orrick their secretary, viz:-

Senate Chamber, April 10, 1873.

Mr. Speaker:- I am instructed by the Senate to inform your honorable body of the passage by the Senate of (H.B. No. 227) entitled A bill to be entitled An act defining the powers and regulating the duties of guardians curators and wards with the accompanying amendments which is herewith returned asking your concurrence therein.

H.R. 227

Also (H.B. No. 177) a bill to be entitled An act authorizing school districts organized under an act entitled an act for the better regulating of Public schools in cities and towns, to issue bonds for building school houses and for other purposes, and herewith respectfully returns the same.

The House having under consideration the motion that the substitute for the bill of the House (H.R. 284) entitled An act in relation to forfeited bonds in certain counties be referred to the Committee of Ways and Means.

After debate,

Mr. J. C. Johnson moved that the bill lie on the table and be made special order for 12 o'clock M. of Friday, April 11, 1873.

Mr. Furbish asked for the yeas and nays.

The question being put.

It was decided in the negative.—— yeas 18, nays 49.

The yeas and nays being decided by five members.

Those who voted in the affirmative are:-

Messrs.

Berry, C. E.
Brown, Neal
Cleveland.
Cox,
Davis.
Johnson, J. H.
Kent,
Lee.
McLeod,

Those who voted in the negative:-

Messrs.

Berry J. H.
Bohm, Chas F.
Bradley,
Brideweithal.
Corbell,
Copeland,
Crawley,
Cate,
Cunningham,
Dunn,
Eagle,
Fox,
Furbush,
Foster,
Frost,
Gilbreath
Jarrett,
Grissom,
Hawkins, A. H.
Hawkins, O. S.
Hawkins, Wm
Harris,
Hynds,
Harley,
Johnson, Adam

Messrs.

Millen,
Nunn,
Sadler,
Shipley,
Speaks,
Stephenson,
Strong,
Tucker,
Warwick,

Messrs.

Joyner,
Kingston,
Lyon,
Lulla,
Mayberry, Wm,
McCabe,
Merritt,
McVaugh,
Matthews,
Mitchell,
Preston,
Purdall,
Rawlins,
Reid,
Robinson,
Shepperson,
Sumpter,
Thorne,
Thomas,
Tillar,
Turnbury,
White,
Williams,
The Speaker,

So the House refused to lay the bill on the table and make it special order for 12 o'clock M. of Friday, April 11, 1873.

The question recurring on the motion that the bill be referred to the Committee

of Ways and Means, after debate.

Mr. Barber moved as an amendment that the bill be referred to the Committee on State Lands, and.

Also, moved the previous question which was seconded and under the operation thereof the motion was disagreed to.

Mr. O.S. Hawkins moved that the bill be referred to the Committee on Railroads, and

Also, moved the previous question, which was seconded, and under the operation there of the motion was disagreed to.

Mr. Mullen at 4 o'clock and 40 minutes P.M. moved that the House adjourn.

Which was not agreed to.

Then,

On motion of Mr. McGehee.

Under the operation of the previous question.

Ordered. That the bill be placed upon its passage.

The question being put. Shall the bill pass?

It was decided in the negative.——yeas 20, nays 49. not voting 3.

Those who voted in the affirmative are:-

Messrs.

Berry, C.C.
Cantrell,
Crit,
Chapman,
Hawkins, A.M.
Hawkins, O.S.
Jordan,
Johnson, J.M.
Joyner,
Livingston,

Messrs.

Kent,
Lee,
Murphy, J.M.
McMillan,
Nunn,
Barber,
Shipley,
Tunnell,
Warwick,
Wright,
The Speaker,

Those who voted in the negative are:-

Messrs.

Berry, J.H.
Brown, Paul
Brown, Chas. E.

Messrs.

Latta,
Murphy, Thos,
McLeod

Messrs.

Bearley,
Cleveland,
Chandler,
Conley,
Cate,
Cunningham,
Davis,
Ennis,
Eagle,
Fox,
Fairbrook,
Foster,
Gist,
Gilbreath,
Jarrett,
Grissom,
Hawkins, Mann
Hagins,
Reynolds,
Harley,
Johnson, Adams
Lynn.

Those absent or not voting are:-

Messrs.

Beardsley
Bridenthal,
Chapline,
Copeland,
Marshall,
Page,

Messrs.

McGehee,
Nesmith,
McVeigh,
Matheny,
Mitchell,
Preston,
Pindall,
Rawlins,
Reid,
Robinson,
Spears,
Stephenson,
Sheppeard,
Sypolt,
Sumpter,
Thomas,
Thompson,
Tillar,
Thornburg,
White,
Williams,

Messrs.

Parrish,
Robertson,
Shappard,
Stewart,
Wheat,
Walker,

So the Bill was not passed.

Mr. Bridenthal gave notice that he would on some future day move to reconsider the vote last taken.

Mr. Preston from the Committee on Enrolled Bills reported correctly enrolled the bill of the House (No. R. 149) entitled an act to cure defective acknowledgements or relinquishments of dower.

And then,

On motion of Mr. Barber,

The House, at 4 o'clock and 50 minutes P. M. adjourned.

Approved.

[redacted] Speaker.

Attest

[redacted] Clerk.

Friday, April 11, 1873.

The roll being called it appeared that the following named members were present and answered to their names, viz:—

Messrs. J. M. Berry, Beardsley, Black, Bridenthal, Chaplin, Corbell, Courtland, Copeland, Chandler, Chapman, Conway, Cate, Cunningham, Dunn, Eagle, Fox, Foster, Gist, Gilbreath, Gossett, Grissom, A. M. Hankins, O. S. Hankins, Haines, Hankins, Harris, Hynds, Harley, Jordyn, Adam Johnson, J. M. Johnson, Kelt, Lynn, Latta, Mrs. Murphy, McLeod, Marshall, Merritt, McClees, McVeigh, Matheny, Mitchell, Nunn, Page, Preston, Pindall, Rankins, Reid, Robinson, Sarber, Shipley, Shappard, Spears, Stephenson, Sloan, Shepherson, Sumpter, Turner, Thurman, Thurmann, Tillar, Thornbury, Wamack, White, Walker, Williams, Wright, [redacted] Speaker.

Prayer by the Rev. Mr. H. H. Gillum,

The Journal of Thursday was read and approved.

Under a suspension of the rules for that purpose,

Mr. Chaplin introduced a bill (H. R. 24) entitled An act to aid in the construction of the North Central railroad in Arkansas.

Which was read a first time,

By unanimous consent.

Under a suspension of the rules,

The Bill was read a second time by title and referred to the Committee

on State Lands.

On motion of Mr. Preston,

The House proceeded, under the rule, to consider the bill of the House (H. R. 192) entitled An act to define the lines, between the counties of Marion and Searcy in the state of Arkansas.

Which was read a third time and placed upon its passage.

The question, being put, Shall the bill pass?

It was decided in the affirmative, — yeas 63, nays none, not voting 19

Those who voted in the affirmative are:—

Messrs.

Berry, C. E.
Berry, J. M.
Brown, Neal.
Brown, Chas. F.
Beasley,
Bridenthal,
Chapline,
Corbell,
Cleveland,
Cox,
Copeland,
Chandler,
Chapman,
Crowley,
Cate,
Cunningham,
Davis,
Dunn,
Eagle,
Fox,
Foster,
Gist,
Gilbreath,
Jarrett,
Garrison,
Hankins. O. S.
Hankins. Monroe
Harris,
Hoyuds,
Joyner,
Kingston,
Kent,
Ley,
Latta,
Marshall,
McVeigh,
Matheny,
Mitchell,
Nunn,
Page,
Preston,
Pindall,
Reid,
Robinson,
Shipley,
Speed,
Stephenson,
Shepperson,
Shinn,
Sculpter,
Turner,
Thorn,
Thurman,
Tillar,
Thornburg,
Warwick,
White,
Walker,

Messrs. Harley, Johnson, Adair, Johnson, L. H.

Messrs. Williams, The Speaker.

Those voting in the negative, those absent or not voting are:-

Messrs. Beardsley, Brashears, Hankins, A. M., Ivy, Lynn, Murphy, J. M., Murphy, Wm., McLeod, McGehee, Merritt,

Messrs. Miller, Parrish, Rawlins, Robertson, Sadler, Shappard, Stewart, Wheat, Wright,

So the bill was passed,

Under a suspension of the rules for that purpose,

Mr. White gave notice of the introduction of a bill defining the lines between the counties of Crawford and Sebastian in such manner as to include the city of Fort Smith and Upper township in what is now Sebastian county, within the limits of Crawford county.

Mr. Chapman from the Committee on Memorials, to whom was referred the memorial of the House (H. Mem. 11) a memorial to the Congress of the United States for an appropriation to reimburse the state for the expenses incurred in suppressing the disturbances and violence which resulted within the borders of the state as an immediate consequence of the reconstruction acts of Congress reported the same and recommended its passage

On motion of Mr. Chapline.

The memorial just reported was read a third time and placed upon its passage.

The question being put, Shall the memorial pass?

It was decided in the affirmative, yeas 46, nays 22, not voting 14,

Those who voted in the affirmative are:—

Messrs.

Brown, Neal
Brown, Chas. F.
Chapline,
Corbell,
Cleveland,
Coit,
Copeland,
Chandler,
Chapman,
Crowley,
Cate,
Ennis,
Fox,
Hankins, O. S.
Hankins, Nunos.
Hans.
Johnson, Adam
Johnson, J. H.
Joyner,
Kingston,
Kent,
Lee.

Those who voted in the negative are:—

Messrs.

Berry, J. H.
Bealey,
Bridenthal,
Cunningham,
Davis,
Eagle,
Folger,
Gant,
Gilmath,
Gorsett,
Hoyrul,

Those who voted in the affirmative are:—

Messrs.

McLeod,
Marshall,
Mackenzie,
Merritt,
Miller,
McVeigh,
Nunn,
Page,
Rawlins,
Sarber,
Shipley,
Shipman,
Spears,
Stephenson,
Shepperson,
Stacy,
Tucker,
Thornburg,
Warwick,
White,
Williams,
The Speaker,

Those who voted in the negative are:—

Messrs.

Harley,
Lattin,
Matheny,
Mitchell,
Preston,
Pindall,
Reid,
Sumpter,
Thorn,
Thornton,
Walker.

Those absent or not voting are:—

Messrs.

Berry, C. C.
Beardsley,
Burbush,

Messrs.

Murphy, J. H.
Murphy, Thos.
Robertson.

Messrs. Grisson, Hawkins, A. M., Izzlyn, Lyhne, Wheat.

Messrs. Parrish, Robinson, Stewart, Gillam, Wright.

So the memorial was passed.

Mr. Chaplin from the Committee on Counties and County Lines, to whom was refered the bill of the House (H. R. 279) entitled An act to change the boundary lines of Desha county, and for other purposes reported the same and recommended that the bill be amended by striking out the words "county court" wherever they occur in the bill and inserting in lieu thereof the words "Board of Supervisors."

The report of the committee was adopted and the amendment was accordingly agreed to.

And,

On motion of Mr. Chaplin,

Ordered, That the bill be engrossed for a third reading and be made special order for 11 o'clock A. M. of Saturday, April 12, 1873.

Mr. Chaplin from the Committee on Public Expenditures, to whom was refered the bill of the House (H. R. 131,) entitled An act for the relief of John Reed former treasurer of Little River county returned the same without report.

And,

On motion of Mr. Chaplin,

Under the operation of the previous question, the bill was recommitted to the Committee of Ways and Means.

The hour of 11 o'clock A. M. having arrived,

The House proceeded to consider the special order set for that hour, being the consideration of the bill of the House (H. R. 157) entitled An act to regulate freights, fares, mileage &c., on all railroads in the state of Arkansas,

Which was read a third time and placed upon its passage,

Mr. Corbell moved the previous ques-

tion which was seconded and the main question ordered viz: Shall the bill pass?

The question being put.

It was decided in the affirmative, — yeas 48. nays 10, not voting 24.

Those who voted in the affirmative are:-

Messrs.

Berry, J. M.
Brown, Saml
Bradley,
Bridenthal,
Chaplin,
Cox,
Copeland,
Chandler,
Chapman,
Cate
Ervin,
Eagle,
F. F.,
Fyfe,
Gilreath,
Gorrell,
Grissom,
Hankins, A. M.,
Hankins, C. S.
Hankins, Mumford
Harris,
Haynes,
Hailey,
Johnson, J. M.

Messrs.

Joyner,
Kilgo,
Lee,
Murphy, J. M.
McPhaul,
Merritt,
McAllen,
McVeigh,
McAuley,
Mitchell,
Nunn,
Page,
Robinson,
Spears,
Stephenson,
Strong,
Sculpter,
Turner,
Thorne,
Tillar,
Warwick,
White,
Williams,
The Speaker.

Those who voted in the negative are:-

Messrs.

Brown, Chas, F.
Cobell,
Johnson, Adam,
Kent,
McLeod,

Messrs.

Preston,
Reid,
Shipley,
Shipp and,
Walker,

Those absent or not voting are:-

Messrs.

Berry, C. E.
Beardsley,

Messrs.

Marshall,
Pindell,

Messrs. Cleveland, Crowley, Cunningham, Dane, Purbush, Foster, Oglesby, Lyon, Latta, Murphy, Wm, Parrish, Rawlins, Robertson, Sayles, Shepperson, Stewart, Thompson, Thornbury, Trent, Wright.

So the Bill was passed.

Mr. J. M. Murphy moved that the vote last be reconsidered, and also moved that the motion to reconsider be laid on the table; which latter motion was agreed to.

A message from his Excellency the Governor by Mr. McBaumany his private secretary who, by unanimous consent read the same as follows: viz:-

Executive Department, Arkansas.
Little Rock, April 11th, 1873.
To the House of Representatives.

Gentlemen:- I have signed and approved House Bill entitled an "act to cure defective acknowledgements of relinquishments of dower" which is herewith returned.

Elisha Baxter,
Governor of Arkansas.

The House then proceeded to consider the further special order set for the hour now being the consideration of the substitute for the bill of the Senate (Sub. S. 132) entitled An act to divide the state into sixteen judicial circuits; to confer original jurisdiction in all matters pertaining to probate and administration upon the circuit courts, and to fix the time for holding said courts.

Before the bill was read,

Mr. Thorn moved that the bill lie on the table.

Mr. Fox asked for the year and nays
The question being put,
It was decided in the negative, year 28, nays 39.

The year and nays being demanded by five members,

Those who voted in the affirmative are:-

Messrs.

Bissell
Bott,
Chandler,
Cunningham,
Farrell,
Grissom,
Hankins, A. M.
Hankins, O. S.
Hankins, Moses
Hanley,
Kingston,
Kent,
Shumm,

Messrs.

Lee,
Milloy,
Matheny,
Mitchell,
Preston,
Pridall,
Reid,
Shipley,
Shappard,
Speas,
Stephenson,
Stuny,
Walker,
The Speaker.

Those who voted in the negative are:-

Messrs.

Berry, J. H.
Brown, Neal,
Bridenthal,
Chapline,
Cleveland,
Copeland,
Chapman,
Crowley,
Cate,
Davis,
Erwin,
Eagle,
Fox,
Gist,
Gilmath,
Harris,
Hynds,
Johnson, Allen

Messrs.

Lynn,
Latta,
Memphy, J. M.
Memphy, Wm.
Mc Leod,
Marshall,
McVeigh,
Nunn,
Page,
Ruphis,
Ryhison,
Sarber,
Shepperson,
Sumpter,
Turner,
Thomason,
Thurmond,
Warnock,

Messrs. Johnson, J. H. Messrs. White, Williams.

Ayes,

So the House refused to lay the bill on the table.

Mr. Cottell moved that the bill be referred to the Committee on the Judiciary.

After debate,

The hour of 11 o'clock and 30 minutes A. M. having arrived,

On motion of Mr. Miller,

The consideration of the several special orders set for that hour were postponed for the purpose of considering and disposing of the pending business.

The question being on the motion that the substitute bill of the House (Sub. H. B. 132) entitled An act to divide the state into sixteen judicial circuits, to confer original jurisdiction in all matters pertaining to probate and administration, upon circuit courts, and to fix the time for holding said courts, be referred to the Committee on the Judiciary.

After further debate

Mr. Barber moved the previous question which was seconded and the main question ordered, viz: Shall the bill be referred to the Committee on the Judiciary?

Mr. Fox asked for the year and nays,

The question being put,

It was decided in the negative,— yeas, 17; nays, 48.

The year and nays being desired by five members,

Those who voted in the affirmative are:

Messrs.

Messrs.

Brown, Saul	Mitchell,
Cobell,	Nunn,
Coit,	Preston,
Cunningham,	Pindall,
Foster,	Shipley,
Gossett,	Thomas,

Messrs.

Hanley,
Lee,
Millen,

Messrs.

Tillar,
The Speaker.

There who voted in the negative are:

Messrs.

Berry, J. H.
Bedderley,
Brown, Chas. J.
Bearley,
Bridenthal,
Chapline,
Cleveland,
Copeland,
Chandler,
Chapman,
Crowley,
Cate,
Dane,
Ennis,
Eagle,
Fox,
Fairbush,
Gilbreath,
Gibson,
Hankins, A. M.
Hankins, C. S.
Hankins, Thomas,
Harris,
Heyuls,
Johnson, Adam
Johnson, J. H.

Messrs.

Kinyston,
Kelso,
Lynn,
Latta,
McLeod,
Marshall,
McVeigh,
Matheny,
Page,
Reid,
Robinson,
Sayler,
Spears,
Stephenson,
Shepperson,
Shuey,
Sumpter,
Tyner,
Thomas,
Thornbury,
Yancick,
White,
Walker
Williams,

So the House refused to refer the bill to the Committee on the Judiciary.

The bill was then read a third time.

Mr. Millen moved that the bill be referred to the Committee of Ways and Means.

Mr. Copeland moved the previous question which was seconded, and the main question ordered, viz:- Shall the bill be referred to the Committee of Ways and Means.

Mr Millen asked for the yeas and nays.

The question being put.
It was decided in the negative. — yeas 14, nays 52.
The yeas and nays being desired by five members.
Those who voted in the affirmative are:

Messrs.

Bynum, Steul
Corbell.
Cox
Cunningham,
Foster.
Hankins, A. M.
Hankins. O. S.
Harley,
Lee.
Moilen,
Nunn.
Shipley,
Stephenson.
The Speaker.

Those who voted in the negative are:

Messrs.

Berry, J. M.
Bellamy,
Bynum. Chas. T.
Bagley,
Brodenthal,
Cleveland,
Copeland,
Chandler,
Chapman,
Crowley,
Cate,
Dail,
Ervin,
Eagle,
Flint,
Fitzpatrick
Gist,
Gilbreath,
Gossett,
Gibson,
Hawkins. Wm.
Harris.
Hyatt.
Johnson. Adam
Johnson. J. H.
Joyner,
Kingston,
Kent,
Lyon,
Lalta,
McLeod,
Marshall,
McNeigh,
Mallery,
Mitchell.
Paye,
Preston,
Rayburn,
Reid,
Robinson,
Sayles,
Speus,
Shepperson.
Stacy.
Sculpter.
Turner,
Thomas.
Thornbury.
Warnick.
White.
Walker.
Wilcamus,

So the House refused to refer the bill to the Committee of Ways and Means.

Then,

On motion of Mr. Page,

Under the operation of the previous question,

Ordered, That the bill be placed upon its passage.

The question being put, Shall the bill pass?

It was decided in the affirmative, — yeas 52, nays 20 not voting 10,

Those who voted in the affirmation are:-

Messrs.

Beardsley,
Bunn, Chas. F.
Beasley,
Bridenthal,
Chapline,
Cox,
Copeland,
Chapman,
Crowley,
Cate,
Dare,
Ennis,
Eagle,
Fox,
Fontaine,
Gilbreath,
Grisson,
Hankins, Nunn
Harris,
Hynds,
Irby,
Johnson, Adam
Johnson, J. M.
Joyner,
Kingston,
Kent,

Messrs.

Lynn,
Latta,
Murphy, J. M.
McCord,
Marshall,
McAuley,
McAllen,
McVeigh,
Page,
Preston,
Rankins,
Reid,
Robinson,
Saber,
Shrigley,
Speed,
Stephenson,
Shepherson,
Stacy,
Sandifer,
Turner,
Thornburg,
Warwick,
White,
Walker,
Wilcoxon,

Those who voted in the negation are:-

Messrs.

Berry, J. M.
Bynum, Paul,
Cobell,

Messrs.

Hagler,
Lee,
Mathiny.

Messrs.
Cleveland,
Chandler,
Cunningham,
Forte,
Gist,
Jarrett,
Hopkins, A. M.,
Five absent or not voting are:-
Messrs.
Mitchell,
Nixon,
Pindall,
Thorn,
Thurman,
Tolbert,
The Speaker,
Messrs.
Berry, C. E.
Hopkins, O. S.
Murphy, Wm.
Merritt,
Parish,
Robertson,
Shapard,
Stewart,
Wheat,
Wright,
So the bill was passed.

Pending the vote,

Mr. Gist (when his name was called) sent to the clerk's desk the following explanation of his vote, viz:-

Mr. Speaker: I had hoped that the probate system might have been improved and the business of the county facilitated. But being satisfied that the criminal business would take precedence and having some knowledge of the time taken up in such cases I am firmly of the opinion that the probate business would be retarded and beside this it would take the privilege of the people to attend to their own business, away and force them to see a lawyer whether they desired to do so or not and for this and other reasons I vote no.

Mr. Pindall (when his name was called) sent to the clerk's desk the following explanation of his vote, viz:-

Mr. Speaker: I desire to state some of my objections to this bill.

1. It makes the office of prosecuting attorney appointive instead of elective by the people.

2. It does not abolish the office of pro-

tute judge.

3. It confers judicial powers upon the clerk,

4. It confuses and mixes up the ~~practice~~ of the several branches of the law.

5. It will be more expensive than the present system.

6. It creates new and unnecessary offices.

Mr. Neal Burns (when his name was called) sent to the clerk's desk the following explanation of his vote, viz:-

Mr. Speaker:- I am opposed to this measure because I deem an increase in the number of judicial districts as unwise and unnecessary, and increases the expense of government to an unnecessary extent.

He vote was then announced as above.

Mr. Cobell, at 1 o'clock P.M. moved that the House take a recess until 3 o'clock P.M.

Which was not agreed to.

Mr. Thorne moved that the rules be suspended and that he be allowed to give notice of the introduction of a bill.

Pending which.

Mr. Fox moved that the vote taken on the passage of the substitute for the bill of the Senate (Sub. S. 132) entitled An act to divide the state into sixteen judicial circuits; to confer original jurisdiction in all matters pertaining to probate and administration upon circuit courts, and to fix the time for holding said courts, be reconsidered, and also moved that the motion to reconsider be laid on the table.

Mr. Cobell made the point of order. That other business having intervened the motion was not in order.

The Speaker ruled the point of order well taken.

Mr. Fox made the point of order. That a motion to adjourn or to take a recess being always in order when the floor could be obtained for that purpose, was not, in the meaning of the rule intervening business.

The Speaker ruled the point of order not well taken.

Hon. Fox appealed from the decision of the chair.

The question being put, Shall the decision of the chair be sustained?

It was decided in the affirmative — yeas 50, nays 17.

The yeas and nays being called by direction of the Speaker.

Those who voted in the affirmative are:-

Messrs.

Berry, J. H.
Beardsley.
Brown, Neil
Brown, Chas. E.
Chapline.
Corbett
Coté.
Copeland.
Chandler.
Chapman.
Cunningham.
Dart.
Erwin.
Eyre,
Garrett.
Ingram,
Hawkins, A. H.
Hawkins, O. S.
Hawkins, Mowat
Harris.
Harley.
Jordyn.
Johnson, Adam
Johnson, J. H.
Kingston.

Messrs.

Kent,
Lynn.
Murphy, J. H.
McLeod,
Marshall,
Merritt.
Midlen
McVeigh,
Mahaney,
Mitchell,
Munro,
Pridall,
Rawlins,
Reid,
Sarles,
Shrigley,
Speers,
Stephenson,
Shepherson,
Slimy,
Sinclair,
Turner,
Thom,
Thomson,
Warwick.

Those who voted in the negative are:-

Messrs.

Bearley.
Clendenan,
Conway.

Messrs.

Paye.
Preston.
Robinson.

Messrs.

Eagle,
Fox,
Gilbreath,
Reynolds,
Joyner,
Latta,

Messrs.

Dillon,
Thornburg,
White,
Walker,
Williams.

So the decision of the chair was sustained.

Mr. Fox at 1 o'clock and 9 minutes P. M. moved that the House adjourn.

Which was not agreed to,

The House then passed to the consideration of the special order heretofore postponed, being the consideration of the bill of the Senate (S. 135) entitled An act to provide for clerks of circuit courts in certain counties and define their duties.

Pending which.

Mr. Robinson at 1 o'clock and 10 minutes P. M., moved that the House adjourn until 10 o'clock A. M., of Monday April 14, 1873.

Which was not agreed to.

Mr. McLeod from the Committee on Enrolled Bills, reported correctly enrolled the bill of the House (H. R. 280) entitled An act to create the county of Faulkner and for other purposes.

Mr. A. M. Hawkins, at 1 o'clock and 12 minutes P. M. moved that the House take a recess until 7 o'clock and 30 minutes P. M.

Mr. Sumpter moved as an amendment that the House take a recess until 3 o'clock and 30 minutes. P. M.

Mr. Reid moved that the House adjourn

Which was not agreed to.

The question recurring on the motion that the House take a recess until 3 o'clock and 30 minutes P. M.

It was agreed to.

And thereupon,

The House at 1 o'clock and 15 minutes P. M. took a recess until 3 o'clock and 30 minutes P. M.

After the Recess.

The House met at 3 o'clock and 30 minutes P.M.

The roll being called it appeared that the following named members were present and answered to their names, viz:-

Messrs. C. E. Berry, J. M. Berry, Chas. F. Bunn Beasley, Bridenthal, Chapline, Corbell, Cleveland, Cox, Copeland, Chandler, Crowley, Cate, Cunningham, Davis, Emrick, Eagle, Fox, Foster, Gist, Gilbreath, Garrett, Grimm, A. M. Hawkins O. S. Hawkins, Mann Hartman, Hans, Heynes, Harley, Joslyn, Adam Johnson, J. M. Johnson, Joyner, Kingston, Kent, Lee, Latta, J. M. Murphy, Man, Mulphy, McLeod, Marshall, Merritt, McVeigh, Matheny, Simms, Paye, Preston, Pindall, Rankins, Reid, Robinson, Sarber, Shingley, Shappard, Spears, Stephenson, Shepperson, Strong, Sumpter, Stewart, Turner, Thomas, Thornburg, Warnick, White, Walker, Williams, The Speaker.

The House resumed consideration of the business pending at the hour of taking a recess, being the consideration of the bill of the Senate, (S. 135) entitled An act to provide for clerks of circuit courts in certain counties and define their duties.

Which was read a third time and placed upon its passage.

Mr. Chapline moved the previous question which was seconded and the main question ordered, viz: Shall the bill pass?

The question being put,

It was decided in the affirmative- yeas 40, nays 29, not voting 13.

Those who voted in the affirmative are:-

Messrs.	Messrs.
Berry, C. E.	McLeod,
Burns, Seal	Marshall,
Bunn, Chas. F.	Mullen,
Chapline,	Mitchell,
Corbell,	Simms,
Cleveland,	Paye,

Messrs.

Bell,
Copeland,
Cate,
Dane,
Fox,
Grissom,
Hankins. A. M.
Hankins. O. S.
Hankins. Thomas
Harris.
Johnson. Adam
Johnson. J. H.
Kent.
Murphy. J. M.
Murphy. Wm.

Messrs.

Rairkin.
Robinson.
Sauter,
Shingley.
Shipland.
Spears.
Stephenson.
Stoney.
Sutton,
Thomas,
Warwick.
White.
Williams

Those who voted in the negation are:-

Messrs.

Berry. J. H.
Beasley.
Bridenthal.
Chandler.
Chapman,
Crowley,
Cunningham,
Ennis.
Eagle.
Fairbank.
Gist.
Gossett.
Haynes.
Hanley.
Joyner.

Messrs.

Kingston,
Lee.
Lynn.
McNeigh.
Matheny,
Pindell,
Reid.
Shepperson.
Sumpter.
Thomason,
Tillar.
Thornburg.
Walker.
The Speaker.

Those absent or not voting are:-

Messrs.

Beardsley.
Foster,
Gilbreath.
Joslyn.
Latta,
McGehee,
Merritt.

Messrs.

Purton,
Parrish,
Robertson.
Stewart.
Wheat
Wright,

So the bill was passed.

Pending the vote,

Mr. Walker, (when his name was called) sent to the clerk's desk the following explanation of his vote, viz:-

Mr. Speaker: Believing that the county clerk of our county is fully competent to discharge all the duties now devolving upon him as clerk, I vote no.

The vote was then announced as above.

Mr. Coit moved that the vote last taken be reconsidered and also moved that the motion to reconsider be laid on the table; which latter motion was agreed to.

On motion of Mr. Corbell,

The consideration of the further special orders postponed to the same hour was further postponed for the purpose of receiving and disposing of reports from the select committee appointed with instruction to investigate and report, on certain charges against the official conduct of J. G. J. Steele judge of the 8th Judicial circuit.-

Mr. Millen from the select committee appointed with instruction to investigate and report on certain charges against the official conduct of J. G. J. Steele, judge of the 8th Judicial circuit submitted the following majority report which was read, viz:-

Mr. Speaker: Your special committee, appointed to investigate the official conduct of J. G. J. Steele, judge of the Eighth judicial circuit of Arkansas, beg leave to state, that they have had the same under consideration, and after careful investigation they find that the said J. G. J. Steele, in issuing writs of attachment for the arrest of Richard Samuels, Samuel F. Mitchell, and L. M. Higgs, to be held to answer for a contempt of certain restraining orders issued in certain causes pending in the Lonoke circuit court of the South judicial circuit, exceeding his juris-

diction, the said T. G. J. Steele as judge of the Eighth judicial circuit having no legal power to punish for disobedience of any process issued from the Hempstead circuit court: the said court not being within his judicial circuit. But we find that the said T. G. J. Steele, in issuing the said writs of attachments for the arrest of the aforesaid persons, was not actuated by malice or other improper motive, but that the issuance of said writs, was a mere error of judgment. Therefor, your committee would recommend the adoption of the following resolution:

Resolved, That all further proceedings upon the part of the house of representatives of the state of Arkansas, looking to the impeachment of T. G. J. Steele, judge of the Eighth judicial circuit, be, and the same are hereby dismissed.

W. A. Miller,
Chairman.
Geo. W. Kingston,
W. F. Marshall.

Mr. Thornbury, from the same committee, submitted the following minority report, which was read, viz:-

Mr. Speaker: The undersigned member of your special committee appointed to investigate the charges against the Hon. T. G. J. Steele, circuit judge of the Eighth judicial circuit, beg leave to report that we have had the same under consideration, and find that the charge against Judge Steele is for ordering a writ of attachment against certain parties who were not at the time residents of the judicial circuits of which Judge Steele was judge.

The statements made are about these: Judge Steele, upon application, ordered a writ of injunction against certain parties in Hempstead county, which county was not in his circuit. That said parties disobeyed said injunction, that Judge Steele ordered a writ of attachment against said parties for contempt in refusing to obey said writ of injunction.

It is contended that he transcended his authority in so doing. That he had no right,

to order the writs because he was not judge of the circuit in which the parties lived.

And the first place we are of the opinion that section 295 of the code of civil practice gave Judge Steele authority to order the writ of injunction. And for a disobedience of said injunction section 311, in our opinion, gave him ample authority to order the writ of attachment for contempt and authority to imprison for such contempt.

As the case involves nothing but law, we have not considered the facts at all.

We are of the opinion that Judge Steele did not violate any law or exceed his authority or jurisdiction in this case, and therefore recommend that the committee be discharged without further proceeding. Respectfully submitted.

Wm. Thompson,
O. Burdenthal.

Mr. Cobell moved that the majority report be adopted.

Mr. Kent moved as a substitute, that the reports of the committee lie on the table and be made special order for 11 o'clock A.M. of Saturday, April 12, 1873, and also, that the usual number of copies of the evidence taken in the cases be printed for the use of the House

Mr. Chapline moved as an amendment that the reports be made special order for Friday, July 4, 1873, and that the committee be discharged.

Which was not agreed to.

The question recurring on the substitute motion

Mr. Kent asked for the yeas and nays.

The question being put,

It was decided in the negative. — yeas 16, nays 57.

The yeas and nays being desired by five members,

Those who voted in the affirmative are:—

Messrs.

Brown, Chas. F.
Bridenthal.
Cleveland.
Chapman.
Davis.
Ennis.
Foster.
Harris.

Those who voted in the negative are:-

Messrs.

Berry, J. M.
Brown, Neal
Beasley.
Chaffin.
Corbell.
Cox,
Copeland.
Crowley.
Cate,
Cunningham.
Eagle.
Fox,
Gist,
Gilbreath,
Gossett,
Gibson,
Hawkins, O. S.
Hawkins, Thomas
Hayes.
Harley.
Johnson, J. M.
Joyner.
Kingston,
Lee.
Lynn.
Marshall.

Messrs.

Johnson, Adams
Kent.
Murphy, J. M.
Murphy, Thos.
Preston.
Sumpter.
Shown.
Shumway.

Messrs.

McGehee.
Miller.
Matheny.
Mitchell.
Nunn.
Page,
Pindall.
Rawlins.
Reid.
Robinson.
Saber.
Shrigley.
Sheppard.
Spears.
Stephenson.
Shoppeson.
Strong,
Tucker.
Thomason,
Tillar,
Warwick.
White,
Walker.
Williams.
Wright,
The Speaker.

So the motion was not agreed to,

Mr. Kent moved that the subject be re-committed to the Committee on the Judiciary.

After debate.

Mr. Corbell moved that the reports lie on the

table. subject to the call of the House, and that the committee be discharged.

Which was not agreed to.

The question occurring on the motion that the subject be recommitted to the Committee on the Judiciary.

After debate.

Mr. Shepperson moved the previous question, which was seconded and under the operation thereof the motion was disagreed to.

The question then occurring on the motion that the majority report be adopted.

Mr. Latta moved as a substitute that the minority report be adopted.

After debate

Mr. Millen moved the previous question which was seconded, and the main question ordered, viz: Shall the minority report be adopted?

Mr. Sumpter asked for the yeas and nays

The question being put.

It was decided in the affirmative. — yeas 29, nays 26

The yeas and nays being desired by five members:

Those who voted in the affirmative are:-

Messrs.	Messrs.
Berry, J. H.	Kent,
Breckenridge,	Latta,
Cleveland,	Matheny,
Chandler,	Mitchell,
Chapman,	Preston,
Crowley,	Pridgeon,
Cate,	Reid,
Cunningham,	Sumpter,

Messrs.

Ennis,
Eagle,
Foster,
Gist,
Gilbreath,
Reynolds,
Bailey,

Messrs.

Thomas,
Thurman,
Tilden,
Thornburg,
Walker,
Wright,

Those who voted in the negative are:-

Messrs.

Bynum, Chas. F.
Chapline,
Corbell,
Davis,
Hankins, A. M.
Hankins, O. S.
Harris,
Jozlyn,
Kilgore,
Murphy, J. M.
McLeod,
Marshall,
Williams

Messrs.

McGehee,
Millen,
Nunn,
Page,
Rawlins,
Robinson,
Shipley,
Shapland,
Stephenson,
Shepherd,
Strong,
White,
The Speaker.

So the minority report was adopted.

Pending the vote:

Mr. Corbell (when his name was called) sent to the clerk's desk the following explanation of his vote, viz:-

Mr. Speaker: In explanation of my vote I will say that inasmuch as Judge Stubbs acknowledged that he had committed an error, though not intentionally, I vote no.

Mr. Robinson, at 5 o'clock and 46 minutes P. M., moved that the House adjourn until 10 o'clock A. M. of Monday, April 14, 1873.

Mr. Shumpter moved that the House adjourn.

Which was not agreed to.

The question recurring on the original motion,

It was agreed to,

And thereupon
The House, at 5 o'clock and 57 minutes P. M., adjourned until 10 o'clock A. M. of Monday, April 14, 1873.

Approved
Thos. M. Oakes by Speaker.

Attest
Henry McCrary Clerk.

Monday, April 14, 1873.

The roll being called it appeared that the following named members were present and answered to their names, viz:—

Messrs. J. M. Byers, Beasley, Brickenthal, Cobbell, Cox, Copeland, Chandler, Crowley, Cate, Cunningham, Davis, Dennis, Eagle, Fox, Foster, Gist, Gilbreath, Garrett, Grissom, Hawkins, A. M. Hawkins, O. D. Hawkins, Henry, Haas, Harley, Jordyn, J. M. Johnson, Kingston, Kent, Latta, J. M. Murphy, Wm. Murphy, McLeod, Marshall, McElhee, Miller, McVeigh, Matheny, Nunn, Page, Preston, Rawlins, Reid, Robertson, Robinson, Shipley, Shappard, Spears, Stephenson, Sheppeard, Strong, Sumpter, Stewart, Thrower, Thomason, Tillar, Thornburg, Warwick, White, Walker, Williams, Wright, The Speaker.

Prayer by the Rev. W. M. Gillam.

The journal of Friday April 11, 1873, was read and approved.

Mr. Fox from the Committee on the Judiciary to whom was referred the bill of the House (H. R. 247) entitled An act to dispose of certain lands and lots in which the Arkansas State Bank or the State of Arkansas has a legal or equitable interest and for the collection of purchase money on such lands or lots, reported the same with the recommendation that the bill be not passed.

And,

On motion of Mr. Fox

Ordered, That the bill lie on the table.

Also, from the same committee to whom

was referred the bill of the House (H.R. 335) entitled An act to repeal chapter 86 of Gould's digest, reported the same and recommended its passage.

And,

On motion of Mr. Fox,

The bill was read a third time and placed upon its passage.

The question being put, Shall the bill pass?

It was decided in the affirmative,— yeas 46, nays 2, not voting 35.

Those who voted in the affirmative are:-

Messrs.

Berry, J. M.
Beverly,
Bridenthal,
Bothell,
Cleveland,
Chandler,
Cunningham,
Ervin,
Fox,
Furbush,
Foster,
Gist,
Gorrell,
Hankins, A. M.
Hankins, O. S.
Hankins, Moses
Harley,
Johnson, Adam
Johnson, J. M.
Joyner,
Kingston,
Kent,
Lee,

Those who voted in the negative are:-

Messrs.

Murphy, J. M.
Murphy, Wm.
McLeod,
Marshall,
McVeigh,
Matheny,
Page,
Pindall,
Reid,
Robertson,
Robinson,
Shipley,
Speake,
Stephenson,
Stewart,
Turner,
Thorpe,
Thomason,
Tilbar,
Walker,
Williams,
Wright,

Those who voted in the negative are:-

Messrs.

Barker,

Those absent or not voting are:-

Messrs.

Berry, C. C.
Beddoley,
Latta,
McGehee,

Messrs.

Brown. Neal
Brown. Chas. E.
Chapline.
Cox.
Copeland.
Chapman.
Crowley.
Cate.
Davis.
Eagle.
Galbraith.
Gibson.
Hogg's.
Hynds.
Jolly.
Lynn.

Messrs.

Merritt.
Mullen.
Mitchell.
Preston.
Parrish.
Rawlins.
Shappard.
Shepperson.
Stump.
Sumpter.
Twomey.
Warwick.
White.
Wheat.
The Speaker.

So the bill was passed.

Mr. Kent moved that the vote last taken be reconsidered. and also moved that the motion to reconsider be laid on the table: which latter motion was agreed to.

Also, from the same committee to whom was referred the bill of the House (H.R. 334) entitled an act to repeal chapter 90 of Hinds's digest reported the same and recommended its passage.

And,

On motion of Mr. Fox,

The bill was read a third time and placed upon its passage.

The question being put,

It was decided in the affirmative.— yeas 46, nays 4, not voting 32.

Those who voted in the affirmative are:-

Messrs.

Berry, J. H.
Beasley,
Cobell,
Cleveland,
Cox,
Copeland,
Chandler,

Messrs.

Kingston,
Kent,
Lee,
Murphy, J. H.
Murphy, Jno.
Marshall,
McKehee,

Messrs.

Crowley,
Cunningham,
Ennis,
Eagle,
Fox,
Gist,
Gossett,
Grissom,
Hankins. A. M.
Hankins. O. S.
Hankins, Mercer
Harris
Harley,
Johnson. Adam
Johnson. J. H.
Joyner,

Those who voted in the negative are:-

Messrs.

Mullen,
Mathews,
Page,
Reid,
Spears,
Stephenson,
Shepperson,
Stagg,
Stewart,
Turner,
Thomason,
White,
Walker,
Williams,
Wright,
The Speaker.

Those who voted in the negative are:-

Messrs.

Pindall,
Barber,

Shipley,
Tilley

Those absent or not voting are:-

Messrs.

Berry. G. E.
Beardsley,
Brown. Fred
Brown. Chas. F.
Bridenthal,
Chapline,
Chapman,
Cate,
Davis,
Dunbush,
Fipps,
Gilbreath,
Hynds,
Jolyn,
Lynn,
Latta,

Messrs.

McLeod,
Merritt,
McVeigh,
Mitchell,
Nunn,
Preston,
Parrish,
Rawlins,
Robertson,
Robinson,
Shappard,
Sumpter,
Thorn,
Thornburg,
Warwick,
Wheat,

So the bill was passed,

Mr. Kent moved that the vote last taken be reconsidered, and also moved that the

motion to reconsider be laid on the table, which latter motion was agreed to.

Also, from the same Committee to whom was referred the bill of the House, (H.R. 328) entitled An act regulating the time of holding the terms of the separate court of chancery for Pulaski county, reported the same and recommended its passage.

And,

On motion of Mr. Fox,

The bill was read a third time and placed upon its passage.

The question being put, Shall the bill pass?

It was decided in the affirmative, — yeas 54, nays none, not voting 28.

Those who voted in the affirmative are:-

Messrs.

Bridenthal,
Cleveland,
Cox,
Copeland,
Chandler,
Conley,
Cate,
Cunningham,
Ennis,
Eagle,
Fox,
Foster,
Frost,
Gilbreath,
Gozett,
Grisson,
Hankins, A. Mc.
Hankins, O.S.
Hankins, Monroe
Harley,
Johnson, Adgen
Johnson, L.C.
Joyner,
Kent,
Murphy, J. Mc.
McGehee,
McClellan,
McCleigh,
Matheny,
Paye,
Preston,
Pindall,
Rawlins,
Reid,
Robertson,
Sayler,
Shipley,
Speads,
Stephenson,
Shepherd
Story,
Sandefer,
Steward,
Turner,
Thurman,
Thurmond,
Tillar,
Yancick,
White,
Williams,

Messrs.
Murphy, Wm.
Marshall,
Were voting in the negative.
Those absent or not voting are:-
Messrs.
Berry, C. E.
Berry, J. H.
Bickerdyke,
Brown, Neal
Bunn, Chas. F.
Beasley,
Chapline,
Corbell,
Chapman,
Dane,
Durbin,
Harris,
Hynds,
Ilsley,
So the bill was passed.
Mr. Warwick moved that the vote last taken be reconsidered and also moved that the motion to reconsider be laid on the table: which latter motion was agreed to

Messrs.
Wright,
The Speaker.

Messrs.
Kingston,
Lee,
Lyon,
Latta,
McLeod,
Merritt,
Mitchell,
Munn,
Parish,
Robinson,
Sharpand,
Thornbury,
Wheat,
Walker,

Also from the same committee, to whom was referred the bill of the House (H. R. 250) entitled an act to repeal an act to grant the swamp and overflowed lands in the Champagnolle swamp land district as stock in the Mississippi, Ouachita and Red River Railroad Company, approved January 16, 1861, reported the same and recommended a substitute therefor entitled an act to repeal section 1 of an act to grant the swamp and overflowed lands in the Champagnolle swamp land district as stock in the Mississippi, Ouachita and Red River Railroad Company.

The report of the committee was adopted and the substitute was accordingly adopted in lieu of the original bill.

And,

On motion of Mr. Crit.

Ordered. That the substitute bill be engrossed for a third reading and be made special order for 11 o'clock A. M. of Tuesday, April 15, 1873.

A message from the Senate by Mr. Orrick their secretary, viz:-

Senate Chamber, April 11, 1873.

Mr. Speaker:- I am instructed by the Senate to inform your honorable body of the passage by the Senate of H. M. No 10, entitled A memorial to the the Congress of United States praying an increase of mail service on route No. 7309.

Also, (Sub for S. B. No 77) entitled A bill for an act to be entitled an act to provide for the care and maintenance of bastard children.

Also, (H. B. No 338) entitled a bill to be entitled an act to prevent the distruction of fish by poison in this state.

Also (H. B. No 329) entitled A bill to be entitled an act to pay registrars for making the special registration for the year 1873.

Also, (H. B. No 39) An act to create the county of Stone and for other purposes.

Also, (S. B. No 103) a bill to be entitled an act concerning incorporated bridge company.

Also (H. B. No 236) entitled An act to create the county of Howard and for other purposes.

Also, (S. B. No. 177) An act entitled an act to remove the county seat of Conway county

Also of S. B. No. 93 entitled An act for the relief of H. C. De Wolf for damages sustained while on duty with the state militia.

Also, (H. B. No 166) entitled A bill to be entitled an act to prevent frauds against the revenue of the state and for other purposes.

Also, (H. B. No 174) entitled An act defining and establish the boundary line between the counties of Prairie and White.

Also, (Sub. H. Jt. Res. No. 13) entitled a joint resolution instructing the attorney general to file a bill in equity to set aside the sale of all Real Estate & Bank lands sold to E.

R. Knight, in Crittenden county.

Also, of H. B. No 170. entitled An act to revive the first proviso of the fourteenth section of an act approved July 1, 1861. entitled an act for the incorporation of the city of Augusta, as amended by an act approved March 20, 1867. entitled an act to amend the fourteenth section of an act approved July 1, 1861 entitled an act for the city of Augusta

Also, (S. B. No. 176) entitled an act to provide for the paying for the Catholic church destroyed at Rocky Comfort.

Also (S. B. No. 102) entitled an act defining the duties of the Commissioner of State Lands and to regulate the sale of all lands belonging to the state. and herewith respectfully return the same.

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Also, from the same committee, to whom was referred the bill of the House (H. R. 333) entitled An act for the benefit of Blyth Chapel of Mississippi county, reported the same and recommended a substitute therefor entitled An act for the benefit of Blyth Chapel in Mississippi county in this state.

The report of the committee was adopted and the substitute was accordingly adopted in lieu of the original bill.

And,

On motion of Mr McVeigh.

Ordered. That the bill be engrossed for a third reading and be made special order for 11 o'clock A. M. of Tuesday. April 15. 1873.

Also, from the same committee to whom was referred the bill of the House (H. R. 251) entitled An act to authorize and provide for the foreclosure of mortgages to the state on the western division of the Real Estate Bank of the State of Arkansas, reported the same and recommended that the bill be not passed

And,

On motion of Mr. Sauber.

Ordered. That the bill lie on the table.

A message from the Senate by Hon. Quick their Secretary, viz:-

Senate Chamber April 14, 1873

Mr. Speaker: I am instructed by the Senate to inform your honorable body of the passage by the Senate of H. J. Res. No 29, entitled a Joint resolution to adjourn sine die on the 15th April 1873. and herewith return the same with the accompanying amendments and respectfully ask your concurrence therein

Mr. Fox. From the same committee to whom was referred the bill of the House (H. R. 129) entitled An act to abolish an act to divide the state into ten Judicial circuits and to abolish the office of Probate judge. reported the same with the recommendation that the bill be not passed.

And.

On motion of Mr. Sasser.

Ordered. That the bill lie on the table.

A message from the Senate by Mr. Onnick, their Secretary viz:-

Senate Chamber. April 14, 1873

Mr. Speaker: I am instructed by the Senate to inform your honorable body of the passage by the Senate of Senate bill 198 entitled An act abolishing the office of Probate Judge, and associate justices (H. B. No. 236) an act to create the county of Howard and for other purposes.

Also (H. B. No. 105) entitled a bill to be entitled an act to establish the lines between the counties of Montgomery and Clark. with the accompanying amendments and respectfully ask your concurrence therein.

Also (H. B. No 277) A bill to be entitled An act to provide for the leasing and management of the state penitentiary, and herewith respectfully transmit the same.

Under the rule.

Mr. Fox. from the Committee on the Judiciary. introduced a bill (H. R. 342) entitled An act amendatory and supplementary to an act to divide the state into sixteen judicial circuits; to confer original jurisdiction in all matters pertaining to probate and

administration, and to fix the time for holding said courts.

By unanimous consent,

Under a suspension of the rules,

The bill was read a first and second time by title,

On motion of Mr. J. H. Johnson,

The rules were further suspended (two-thirds of the members present voting therefor) and

The bill was read a third time and placed upon its passage,

The question being put, Shall the bill pass?

It was decided in the affirmation, — yeas 52, nays 2, not voting 28,

Those who voted in the affirmation are:—

Messrs.

Berry, J. H.
Beasley,
Bridenthal,
Corbell,
Cleveland,
Cox,
Chandler,
Crowley,
Cate,
Cunningham,
Curry,
Eagle,
Fox,
Foster,
Gist,
Gilbreath,
Garrett
Hankins, A. H.
Hankins, O. F.
Hankins, Monroe
Hayes,
Harley,
Johnson, Adam
Johnson, J. H.
Joyner,
Kingston,

Messrs.

Kent,
Lee,
Latta,
Murphy, J. H.
Murphy, Wm.
Marshall,
McAfee,
McVeigh,
McInerney,
Arnold,
Page,
Preston,
Pindall,
Reid,
Robertson
Shipley,
Spears,
Stephenson,
Stancy,
Sudduth
Swindell,
Tillar,
Warwick,
Williams,
Wright,
The Speaker.

Those who voted in the negation are:-

Messrs.

Davis.

Messrs.

White,

Those absent or not voting are:-

Messrs.

Berry, C. E.
Beardsley,
Brown, Paul
Brown, Chas. F.
Chapline,
Copeland,
Chapman,
Fairbrush,
Grissom,
Hoyuds,
Izzlyn,
Lynn,
McLeod,
Merritt,

Messrs.

Moiller,
Mitchell,
Parrish,
Rawlins,
Robinson,
Sarber,
Shapard,
Shepherson,
Stewart,
Tynner,
Thrower,
Thornburg,
Wheat,
Walker,

So the bill was passed.

Under a suspension of the rules for that purpose.

On motion of Mr. Fox,

The House passed to the consideration of the joint resolution of the House (H. J. Res. 27) a joint resolution providing for the adjournment of the General Assembly sine die, April 15, 1873. together with the Senate amendment thereto recommending that the joint resolution be amended by striking out the word "fifteen" and inserting in lieu thereof the word "twenty-five".

Hon. Rivington moved that the House concur in the Senate amendment.

The question being put,

It was decided in the affirmative, - yeas 39, nays 3, not voting 20.

Those who voted in the affirmative are:-

Messrs.

Berry, C. E,
Berry, J. H.
Bridenthal
Cobell.

Messrs.

Marshall,
McAphee,
Miller,
McVeigh,

Messrs.

Bell,
Copeland,
Chandler,
Crowley,
Cate,
Cunningham,
Davie,
Ennis,
Eagle,
Fox,
Foster,
Gist,
Garrett,
Hankins. A. M.
Hankins. O. S.
Hankins. Thomas
Harris,
Harley,
Joslyn,
Johnson. J. H.
Joyner,
Kent,
Lee,
Latta,
Murphy. J. M.
Murphy. Wm.

Messrs.

Mathews,
Nunn,
Page,
Preston,
Rawlins,
Reid,
Robertson,
Robinson,
Sauter,
Shipley,
Shepperd,
Spears,
Stephenson,
Strong,
Sumpter,
Turner,
Thorne,
Thomason,
Tillar,
Warwick,
White,
Wilson
Williams,
Wright,
The Speaker.

There who voted in the negation are:—

Messrs.

Beasley,
Gerdland,

Messrs.

Penn,
Pindall,

There absent or not voting are:—

Messrs.

Beardsley,
Brown, Paul
Brown, Chas. F.
Chapline,
Chapman,
Durham,
Gilbreath,
Grissom,
Hynds,

Messrs.

Kingston,
Lyon,
McLeod,
Merritt,
Mitchell,
Parish,
Shepherson,
Stewart.
Thornbury,

Messrs. Messrs.

Johnson, Adam Wheat,

So the Senate amendments were concurred in,

By unanimous consent,

The title of the joint resolution was amended to read: a joint resolution providing for the adjournment of the General Assembly sine die April 25, 1873.

Mr. Sumpter moved that the vote last taken be reconsidered and also moved that the motion to reconsider be laid on the table; which latter motion was agreed to,

Mr. Fox moved that the House pass to the consideration of the bill of the Senate, heretofore laid on the table (S. 84) entitled An act to abolish the criminal court of Jefferson county,

Mr. Thomas moved as a substitute that the House pass to the consideration of the bill of the Senate, reported by the Committee of Ways and Means and lying on the clerk's desk (S. 64) entitled An act to compensate certain attorney, at law for certain legal services,

Which was not agreed to,

The question recurring on the motion of Mr. Fox,

It was agreed to,

And,

The House accordingly proceeded to consider the bill of the Senate (S. 84) entitled An act to abolish the criminal court of Jefferson county,

Before the bill was read

Mr. J. H. Johnson moved that the further consideration of the bill be indefinitely postponed,

Which was not agreed to,

The bill was then read a third time and placed upon its passage,

After debate,

Mr. Shepperson moved that the further consideration of the bill be postponed until 11 o'clock A. M. of Tuesday, April 15, 1873,

Which was not agreed to,

Mr. Robinson moved that the bill lie on the table and be made special order for 11 o'clock A. M. of Wednesday, April 16, 1873.

Which was not agreed to.

The question being on the passage of the bill,

Mr. Corbell moved the previous question which was seconded and the main question ordered, viz: Shall the bill pass,

The question being put,

It was decided in the affirmative, - yeas 45, nays 12, not voting 25,

Those who voted in the affirmative are:-

Messrs.

Brown, Steel
Beasley,
Bird,
Chandler,
Crowley,
Cate,
Cunningham,
Davis,
Ennis,
Eagle,
Fitch,
Foster,
Fort,
Gilbreath,
Gossett,
Hawkins, Warren
Hanley,
Joyner,
Kingston,
Kent,
Latta,
Murphy, J. M.
Murphy, Wm.

Messrs.

McLeod,
Milliken,
Matheny,
Page,
Preston,
Pindall,
Rawlins,
Reid,
Robertson,
Robinson,
Sasser,
Shipley,
Sharpband,
Stamey,
Sumpter,
Stewart,
Turner,
Thomas,
Tillman,
Warwick,
Walker,
Wright,
The Speaker,

Those who voted in the negative are:-

Messrs.

Bridenthal,
Chaplin,
Copeland,
Grissom,

Messrs.

Johnson, Adam,
Johnson, J. H.
Lee,
Marshall,

Messrs.

Hankins, A. M.
Harris,

Those absent & not voting are:-

Messrs.

Berry, C. E.
Berry, J. H.
Beardsley,
Brown, Chas. E.
Chapline,
Cleveland,
Chapman,
Fitzpatrick,
Hankins, O. S.
Reynolds,
Ozlyn,
Lyon,

Messrs.

Mcclellan
Merritt,
McVeigh,
Mitchell,
Parrish,
Spears,
Stephenson,
Thomason,
Thornburg,
White,
Wheat,
Williams,

So the bill was passed.

Mr. Fox moved that the vote last taken be reconsidered, and also moved that the motion to reconsider be laid on the table; which latter motion was agreed to.

Mr. Miller at 12 o'clock and 6 minutes P.M. moved that the House take a recess until 2 o'clock and 30 minutes P.M.

Mr. Reid moved that the House adjourn.

Which was not agreed to.

The question recurring on the motion that the House take a recess,

Mr. A. M. Hankins moved as an amendment that the House take a recess until 3 o'clock P.M.

Which was agreed to.

So.

The House accordingly at 12 o'clock and 7 minutes P.M. took a recess until 3 o'clock P.M.

After the Recess

The House met at 3 o'clock P.M.

The roll being called it appeared that the following named members were present and answered to their names, viz:-

Messrs. C. E. Berry, J. H. Berry, Neal Brown

Beasley, Brickenthal, Chapline, Corbell, Glenn Land, Gott, Chandler, Conway, Cate, Cunningham, Ennis, Eagle, Foster, Frist, Gill Grath, Jarrett, A. M. Hankins, Homer Hankins, Hays, Reynolds, J. H. Johnson, Joyner, Kingston, Kent, Lee, Latta, Mr. Murphy, McClard, Marshall, McKelvey, Millen, McVeigh, Matthews, Paye, Preston, Pindall, Reid, Sarber, Shipley, Sheppard, Speer, Stephenson, Shepperson, Slemp, Sumpter, Stewart, Fryer Thorn, Thomason, Villas, Wamack, Walker, Williams, Wright, The Speaker.

Under the rule,

Mr. Chapline introduced a bill (H. R. 343) entitled An act to extend the corporate limits of the city of Little Rock,

By unanimous consent,

Under a suspension of the rules,

The bill was read a first and second time by title, and,

Mr. Chapline moved that the rules be suspended and that the bill be read a third time,

Mr. Corbell moved that the bill be referred to the Committee of Cities and Towns

Mr. Pindall moved as an amendment that the bill be referred to the Committee on the Judiciary,

Which was not agreed to,

The question recurring on the motion that the bill be referred to the Committee of Cities and Towns,

Mr. Shepperson moved that the further consideration of the bill be indefinitely postponed,

Mr. Corbell moved the previous question,

The question being put, Shall the main question be now put?

It was decided in the negative,

So the House refused to order the main question,

The question being on the motion that the further consideration of the bill be indefinitely postponed,

Mr. Kent moved as a substitute that the bill lie on the table subject to the call of the House,

Which latter motion was agreed to,

Mr. McClard from the Committee on Enrolled Bills, reported correctly enrolled the bill of the

House (H. R. 277) entitled An act to provide for the leasing and management of the state penitentiary.

Also the bill of the House (H. R. 19) entitled An act to repeal an act to authorize the county courts of the several counties of the state of Arkansas to issue bonds to build a court house and jail in the town mentioned counties

Also the bill of the House (H. R. 285) entitled An act for the benefit of the Annual district of Big Bottom township Independence county, Arkansas.

Also the bill of the House (H. R. 107) entitled An act authorizing school districts organized under an act entitled an act for the better regulation of public schools in cities and towns to issue bonds for building school-houses and for other purposes.

A message from his Excellency the Governor by Mr McClannahan his private secretary who by unanimous consent read the same as follows, to:-

Executive Department Arkansas.
Little Rock, April 12, 1873.
To the House of Representatives of Arkansas.
Gentlemen; I have signed and approved House bill entitled An act to create the county of Faulkner and for other purposes, House bill, entitled An act to authorize dissection in certain cases in the advancement of science, hereby remained more than three days with the executive is hereby returned.

Elisha Baxter.
Governor of Arkansas.

A message from the Senate by Mr. Orrick their secretary viz:-

Senate Chamber, April 11, 1873.

Mr. Speaker: I am instructed by the Senate to inform your honorable body of the passage by the Senate of H. B. No 202 entitled An act to establish the county of Lonoke

and for other purposes, and herewith respectfully returns the same,

Mr. Kent moved that the House pass to the consideration of the substitute for the bills of the Senate heretofore laid on the table (S. 46, 95) entitled An act to re-district the state for congressional purposes,

Which was not agreed to,

Under a suspension of the rules for that purpose.

On motion of Mr. Turner,

The House passed to the consideration of the H.C. of the Senate (S. 177) entitled an act to relocate the county seat of Conway county;

Which was read a first time.

By unanimous consent.

Under a suspension of the rules.

The bill was read a second time by title

On motion of Mr. Turner.

The rules were further suspended (two-thirds of the members present voting therefor) and

The bill was read a third time and placed upon its passage,

Mr. Turner moved the previous question, which was seconded and the main question ordered, viz: Shall the bill pass?

The question being put,

It was decided in the affirmative, — yeas 41, nays 18, not voting 23.

Those who voted in the affirmative are:-

Messrs.

Berry, C. E.
Brown, Boyd
Bridenthal,
Chaplin,
Cortell,
Cleveland,
Cox,
Fox,
Foster,
Gist,
Grissom,

Messrs.

McLeod
Marshall
Miller,
Nunn,
Page,
Preston,
Rawlins,
Robinson,
Quigley,
Splain,
Stephenson,

Messrs.

Hankins, A. Mc
Hankins, O. S.
Hankins, Monroe
Harris,
Johnson, Adam
Johnson, J. H.
Kent,
Lee,
Latta,
Murphy, Geo.

Those who voted in the negative are:-

Messrs.

Berry, J. H.
Beasley,
Chandler,
Crowley,
Cunningham,
Ervin,
Eagle,
Gilbreath,
Gossett,
Harley,

Those absent or not voting are:-

Messrs.

Beardsley,
Bynum, Chas. P.
Copeland,
Chapman,
Cate,
Davis,
Fairbrush,
Gynds,
Jolly,
Joyner,
Kingston,
Lytle,

Messrs.

Shepherd,
Styers,
Sundstrom,
Turner,
Thorne,
Warwick,
White,
Wilcox,
The Speaker.

Messrs.

Matheny,
Pridgen,
Reid,
Shepperd,
Thomas,
Tillman,
Walker,
Wright,

Messrs.

Murphy, J. H.
McGehee,
Merritt
McElroy,
Mitchell
Parrish,
Robertson,
Sauber,
Stuart,
Thornton,
Wheat,

So the bill was passed.

Mr Turner moved that the vote last taken be reconsidered, and also moved that the motion to reconsider be laid on the table, which latter motion was agreed to,

Mr. Page from the Committee on Claims to whom was referred the bill of the House (H. R. 2-75) entitled An act for the relief of William A. Johnson of Sebastian county reported the same and recommended its passage.

Mr. Reed introduced a bill (H. R. 345) entitled An act to repeal an act for the employment of a public printer.

By unanimous consent,

The bill was read a first time by title,

Mr. Cobell moved that the bill lie on the table.

Mr. Pindall asked for the yeas and nays.

The question being put,

It was decided in the negative.—yeas 24, nays 41.

The yeas and nays being desired by five members,

Those who voted in the affirmative are:—

Messrs.

Berry, C. E.
Chaplin,
Cobell,
Cole,
Hankins, A. M.
Johnson, J. H.
Kingston,
Murphy, J. M.
McLeod,
Marshall,
Page,

Messrs.

Rankin,
Robinson,
Sauber,
Shipley,
Speer,
Strong,
Turner,
Warwick,
Williams,
The Speaker.

Those who voted in the negative are:—

Messrs.

Berry, J. H.
Bynum, Paul
Beasley,
Brydenthal,
Chandler,
Chapman,
Crowley
Coute,

Messrs.

Kent,
Lee,
Latta,
Murphy, Wm.
McVeigh,
Matheny,
Nunn,
Preston,

Messrs. Cunningham, Dunn, Eagle, Fuller, Gist, Gilbreath, Green, Gueron, Hawkins, Hines, Harris, Hagley, Johnson, Adam Joyner,

Messrs. Pitts, Reid, Shappard, Stephenson, Shepherson, Symptee, Thomas, Thomason, Tolbert, White, Walker, Wright,

So the House refused to lay the bill on the table.

Mr. Reid moved that the rules be suspended and that the bill be read a second time

Mr. Neal Brown moved that the bill lie on the table subject to the call of the House,

Which was not agreed to,

The question being on the motion that the rules be suspended and that the bill be read a second time,

It was not agreed to, (two-thirds of the members present not voting therefor.)

Mr. Page moved that the rules be suspended and that the House pass to the consideration of the joint resolution of the Senate (S. Jt. Res. 11) a joint resolution to appoint the boards of the sheriff, clerk and treasurer of Hempstead county,

Which was not agreed to, (two-thirds of the members present not voting therefor).

Mr. Warwick from the Committee of Ways and Means, to whom was referred the bill of the House (H. R. 124) entitled An act to authorize county courts to fund outstanding warrants, when there is no money in the treasury to pay the same, reported the

same and recommended a substitute therefor
After discussion.
No objection being offered,
Mr. Warwick withdrew the report for the purpose of amendment.

Also, from the same committee to whom was referred the bill of the House, (H.B. 52) entitled An act to amend section 133 of an act regulating the assessment and collection of the revenue of the state of Arkansas, approved March 23, 1871. reported the same and submitted the following report thereon, viz:-

Mr. Speaker: Your Committee of Ways and Means have had under consideration House bill 52, to amend Sec. 133 of an act regulating the assessment and collection of the revenue of the state of Arkansas, and recommend that it do not pass.

Your committee further report that they have incorporated the suggestions of H.B. 52 in a substitute bill which they are ready to submit for all the bills that have been referred to them on the subject. In this substitute the committee will recommend that the clerk be allowed $2.00 for a deed except that a deed to the state shall contain and describe all the lands in one entire range forfeited and sold to the state in the county for which he shall receive $3.00

And.
On motion of Mr. Warwick,
Ordered. That the bill lie on the table subject to the call of the House.

Also, from the same Committee, to whom was referred the bill of the Senate (S.B. 64) entitled An act to compensate certain attorneys at law for certain legal services, reported the same and recommended its passage.

And.
On motion of Mr. Warwick
The bill was read a third time and

placed upon its passage,

After debate,

Mr. Chaplin moved the previous question, which was seconded and the main question ordered, viz: Shall the bill pass?

The question being put,

It was decided in the affirmative, — yeas 32, nays 26, not voting 24.

Those who voted in the affirmative are:-

Messrs.

Berry, J. H.
Brown, Saml
Chaplin,
Chapman,
Cate,
Dare,
Eagle,
Fish,
Fyfe,
Gest,
Hankins, A. H.
Hankins, O. S.
Johnson, Adam
Johnson, J. H.
Joyner,
Klingelyn,
Kent,
Mullen,
McNeigh,
Nunn,
Page,
Quigley,
Sharpe,
Stephenson,
Strong,
Sumpter,
Stewart,
Thorne,
Warwick,
White,
Walker,
Wright,

Those who voted in the negative are:-

Messrs.

Berry, C. E.
Bedsley,
Brickhouse
Cox,
Chandler,
Cunningham,
Ervin,
Gilbreath,
Jarrett,
Hankins, Turner
Harris,
Hagley,
Lee,
Murphy, Wm.
Marshall,
Mahoney,
Prentis,
Rankins,
Reid,
Robinson,
Spears,
Shepherd,
Thornton,
Tillar,
Williams,
The Speaker,

There absent or not voting are:-

Messrs.

Beardsley,
Brown, Chas. F.
Cobbell,
Coleman
Copeland
Crowley,
Furbush,
Gunn,
Haynes,
Hyslop,
Lyon,
Latta,

Messrs.

Murphy, J. McC.
McLeod,
Mechlem,
Nugent,
Mitchell,
Pindall,
Parrish,
Robertson,
Sayre,
Turner,
Thornburg,
Wheat.

So the bill was passed.

Also, from the same committee, to whom was presented the following documents, submitted the same to the House, with the accompanying report thereon, together with a bill (H. R. 346) entitled An act appropriating money to pay C. L. Meador for his services as commissioner in behalf of the state, to investigate the disputed boundary line between the state and the Indian Territory, as follows, viz:-

Executive Department, State of Arkansas
Little Rock, Sept 1st 1869.
To whom it may concern:

Whereas, official information has been received at this Executive department, that the Choctaws and Chickasaw tribes of Indians, bordering west of the state of Arkansas, are likely soon to renew the prosecution of claims against the government of the United States, for the reclamation of territory claimed by said Indian tribes, and recognized as a part of the state of Arkansas, or for compensation for the same; and whereas the official authority of the state of Arkansas has been requested to cooperate with said Indian tribes in a preliminary investigation of the facts upon which such issue is made and for the purpose of an amicable adjust-

ment of the same, Now therefore Know all men by these presents that I Powell Clayton, Governor of the state of Arkansas, do hereby appoint Dr. E. L. Meador to proceed to the councils or other proper authority of said Choctaw and Chickasaw Indian tribes, for the purpose aforesaid and with authority to investigate records in the archives of the state of Arkansas, relative to the disputed boundary in question and report such facts as may be elicited to this department.

In testimony whereof I have hereunto set my hand and caused to be affixed the seal of the state, at Little Rock this 1st day of Sept. in the year of our Lord one thousand eight hundred and sixty nine.

Powell Clayton

Governor.

By the Governor
Robert J. T. White,
Secretary of State.

State of Arkansas
To E. L. Meador Dr.

To services rendered as special agent, in the investigation of disputed boundary line between the Choctaw and Chickasaw Indian Territory, and the state of Arkansas, said services rendered by order of Executive authority of state of the date of Sept 1, 1869 to present date Five thousand dollars $5.000.

Sept. 1, 1869 By Auditor's warrant $ 150-
Jan 1, 1870 By Auditor warrant 125-
$4.725. 275-

Auditor's office, Arkansas.
January 22, 1873.

I hereby certify that it appears from the books of this office that Dr. E. L. Meador in 1869 was agent for the state of Arkansas in the matter of the boundary line between Arkansas and a portion of the Indian country on the western border; and that there was paid to him in Sept 1869, one hundred and fifty dollars, and in July 1870 one hun-

died and twenty-five dollars, and that no other sums have been paid him for said service.

Witness my hand and official seal the date above written.

S. Wheeler
Auditor.

To his Excellency the Governor, & General Assembly of the State of Arkansas:-

The undersigned would respectfully call to your notice the annexed claim for services rendered to the state of Arkansas as specified and asks that the same be allowed through the proper mode of appropriation.

Auditor's certificate and executive injunctions, are herewith appended and report of duties performed filed in department of the executive.

A favorable consideration, and your memorialist will ever pray &c.

C. V. Meador.
Special agent of state of Arkansas for western boundary.

Mr. Speaker: Your Committee of Ways and Means submit the following report in relation to claim against the state made by Dr. C. V. Meador, which was referred to the committee by his Excellency the Governor.

There has been and still is a dispute as to the boundary line between this state, and the Indian Territory. In 1869 the official authority of the state, was requested by the Choctaw and Chickasaw tribes of Indians to co-operate with them in an investigation of the facts, in order to procure an amicable adjustment thereof with the United States. On the 15th of September 1869, Dr. C. V. Meador was appointed by the Governor of this state special commissioner, with instruction to proceed to the council of said tribes for the purpose mentioned.

The Dr. spent several months in this investigation, and made an elaborate

report of his doings, now on file in the office of the Governor.

The commissioner claims for his services the sum of $3000, less $275. heretofore paid him out of the Governor's contingent fund for expenses. The committee after a careful examination of the premises, are of the opinion that the state should pay said commissioner $2500, less the amount heretofore paid him and herewith report a bill for that purpose and recommend its passage. The committee also attach to their report the papers referred to them by the Governor.

The committee also report a joint resolution on the subject and recommend its passage.

W. D. Hamrick, Chmn.

On motion of Mr. Livingston,

Ordered. That the report of the committee be received and that the bill lie on the table.

And then

On motion of Mr. Williams

The House at 4 o'clock and 40 minutes P.M. adjourned.

Approved

Thos. M. Conkling Speaker.

Attest

Henry McCahan Clerk.

Tuesday. April 15. 1873.

The roll being called it appeared that the following named members were present and answered to their names, viz:-

Messrs. J. H. Berry. Neal Brown. Beasley. Bridenthal. Chaplin. Corbett. Copeland. Chandler Chapman. Crowley. Cate. Cummings. Davis. Eagle. Fox. Foster. Gist. Gilbreath. Gossett. Harrison. A. M. Hopkins. O. S. Hopkins. Horne. Hopkins. Hynds. Harley. J. H. Johnson. Joyner. Lynch. Latty. Wm. Murphy. McLeod. Marshall. McVeigh. Mathews. Preston. Pindall. Rawlins. Reid. Robertson. Sarley. Shipley. Sheppard. Spears. Stephenson. Shipperson.

Stacy, Simpkins, Stewart, Thomas, Thompson, Tillar, Trenholm, White, Walker, Wright, The Speaker.

The journal of Monday was read and approved.

A message from the Senate by Mr. Woodford their assistant secretary, viz:-

Senate Chamber, April 14, 1873

Mr. Speaker; I am instructed by the Senate to inform your honorable body of the passage by the Senate of H. B. No 239 entitled An act to establish and organize the county of Dorsey.

Also. Sub. for H. B. No 731 a bill entitled An act to encourage the breeding and raising of fine horses and mules.

Under a suspension of the rules for that purpose.

The House proceeded to consider the bill of the Senate (S. 178) entitled An act abolishing the office of Probate judge and associate justices

Which was read a first time.

By unanimous consent,

Under a suspension of the rules.

The bill was read a second time by title.

On motion of Mr. J. H. Berry,

The rules were further suspended (two - thirds of the members present voting therefor) and the bill was read a third time and placed upon its passage.

The question being put, Shall the bill pass?

It was decided in the affirmative. — Yeas 63. Nays 4. Not voting 16.

Those who voted in the affirmative are:-

Messrs.

Berry, J. H.
Brown, Saml
Brown, Chas H.
Beasley,
Bridenthal,
Chaplin,
Cleveland,
Cox,
Copeland,
Chandler,
Crowley,

Messrs.

Lee,
Lynn,
Latta,
Murphy, Wm,
McLeod,
Marshall,
McGehee,
Miller,
Mathews,
Paige,
Preston,

Messrs.

Ogle,
Cunningham,
Dare,
Emmi,
Eagle,
Fox,
Furtush,
Foster,
Gossett,
Gist,
Gilbreath,
Grissom,
Hankins, O. S.
Hankins, A. H.
Hopkins, Monroe
Hynds,
Hanley,
Johnson, Adam
Johnson, J. A.
Joyner,
Kingsbury,

Those who voted in the negative are:-

Messrs.

Cowell,
Keyte,

Those absent or not voting are:-

Messrs.

Berry, C. E.
Beddingfield,
Chapman,
Davis,
Jocelyn,
Murphy, J. H.
Merritt
McKnight,

Messrs.

Pindall,
Rankins,
Reid,
Robertson,
Robinson,
Shrigley,
Spears,
Stephenson,
Shepherson,
Stamy,
Sumpter,
Stewart,
Thomason,
Tilley,
Thornburg,
White,
Walker,
Williams,
Wright,
The Speaker.

Messrs.

Agnew,
Shapcott,

Messrs.

Mitchell,
Parrish,
Barber,
Ingram,
Brown,
Warwick,
Wheat

So the bill was passed.

Mr. McLeod from the Committee on Enrolled Bills reported correctly enrolled the bill of the House (H. R. 338) entitled An act to prevent the destruction of fish by poison in this state.

Also the bill of the House (H. R. 202) entitled An act to establish the county of Lonoke and for other purposes.

The House proceeded to consider the bill of the House (H. R. 184) entitled An act to authorize the legal voters of school district No. 5 in Prairie county to levy a tax;

Which was read a third time and placed upon its passage.

The question being put, Shall the bill pass?

It was decided in the affirmative.— year 51. nays 4, not voting 27.

Those who voted in the affirmative are:-

Messrs,

Berry, J. H.
Brown, Chas. P.
Beasley,
Brickenthal,
Chapline,
Cleveland
Cox
Cokerham
Chandler,
Crowley,
Cate,
Davis,
Erwin,
Fox,
Furbush,
Gist,
Grissom,
Hawkins, A. M.
Hawkins, O. S.
Hawkins, Wm.
Hays,
Hynds,
Harley,
Johnson, Adam
Johnson, J. H.
Joyner,
Kincannon,
Kent,
Lee,
Lynn,
Latta,
Murphy, Wm.
Marshall,
Miller,
Mahaffey,
Preston,
Reid,
Robertson,
Robinson
Shingley,
Sheppard
Spears,
Story,
Sandefur,
Stewart,
Turner,
Thornberry,
White,
Walker,
Williams
Wright

Those who voted in the negative are:-

Messrs.
Cunningham.
Galbraith,
Shore absent
Messrs.
Berry, C. E
Beardsley,
Brum. Steel
Cobell.
Chapman.
Eagle.
Foster.
Gossett.
Jaclyn.
Murphy. J. M.
McLeod.
McClure.
Merritt.
McKeigh.
So the bill was passed.
The House proceeded to consider the bill of the House (H. R. 345) entitled An act to repeal an act for the employment of a public printer.
By unanimous consent.
The bill was read a second time by title, and
On motion of Mr. Reid.
Was referred to the Committee on Public Printing.
Under a suspension of the rules for that purpose,
On motion of Mr. Cate
The House passed to the consideration of the bill of the Senate (S. 159) entitled An act to amend section 8 of an act to amend an act entitled an act providing for the building and repairing of the public levees of this state. Approved March 23, 1871.
Which was read a first time.
By unanimous consent.
Under a suspension of the rules,
The bill was read a second time by title.
On motion of Mr. Pindall.

Messrs.
Hepperson,
Thomason.
Not voting are:
Messrs.
Mitchell.
Nunn.
Paye.
Pindall,
Parrish.
Rankins.
Sauber.
Stephenson.
Thomas,
Tillar.
Waynick,
Trent,
The Speaker.

The bill was amended by adding to section 1. the following proviso, viz:-

"Provided. The Board of Supervisors shall have jurisdiction to hear and determine any and all questions affecting the legality of such tax".

Then.

On motion of Mr. Cate.

The rules were further suspended (two-thirds of the members present voting therefor) and.

The bill was read a third time and placed upon its passage.

Before the roll was called.

The hour of 11 o'clock A.M. having arrived, being the hour set for the consideration of annual special orders.

On motion of Mr. Copeland.

The consideration of the special order was postponed for the purpose of considering and disposing of the pending business.

The question being on the passage of the bill.

Mr. Kingston moved that the bill be referred to the Committee on Internal Improvements for the purpose of further amendment.

After debate,

Mr. J. M. Johnson moved the previous question, which was seconded, and under the operation thereof the motion was disagreed to.

The question recurring on the passage of the bill.

Mr. J. M. Johnson moved the previous question which was seconded and the main question ordered, viz: Shall the bill pass?

The question being put,

It was decided in the affirmative, — yeas 56, nays 2, not voting 24.

Those who voted in the affirmative are:-

Messrs.

Berry, J. M.
Brown, Seul
Brown, Chas. E.
Bradley,
Bridenthal,
Lynn,
Latta,
Murphy, Wm.
Marshall,
McIntosh,

Messrs.

Cleveland.
Cox.
Copeland.
Chandler.
Chapman.
Crowley.
Cate.
Cunningham.
Currin.
Eagle.
Fox.
Furbush.
Foster.
Gist.
Gilmath.
Gorrell.
Grissom.
Hankins. Warren
Harris.
Harley.
Johnson. Adam
Johnson. J. H.
Joyner.
Kent.

Those who voted in the negation are:

Messrs.

Kingston.

Those absent or not voting are:-

Messrs.

Berry. C. E.
Bedsley.
Chapline.
Cobell
Dail.
Hankins. A. M.
Hankins. O. S.
Hynds.
Holyn.
Murphy. J. M.
McLeod

Messrs.

Millen.
McNeigh.
Matheny.
Page.
Preston.
Reid.
Robertson.
Robinson.
Shipley.
Sharpband.
Stephenson.
Sumpter.
Stewart.
Tignor.
Thomas.
Thomason.
Tilley.
Thackery.
Warnock.
White.
Walker.
Williams.
Wright.
The Speaker.

Messrs.

Lee.

Messrs.

Merritt.
Mitchell.
Nunn.
Pindall.
Parrish.
Rankins.
Saber.
Spears.
Shepperson.
Shivy.
Wheat.

So the bill was passed.

Mr. Cobell sent to the clerk's desk the following explanation of his vote on the passage of the bill of the Senate (S. 178) entitled An act to abolish the office of probate judge and associate justices, viz:-

Mr. Speaker: In explanation of my vote on Senate bill No. 178 I desire to say that the constitution of the state provides that all judges of the inferior courts shall be appointed by the Governor by and with the advice and consent of the Senate for the term of six years and until such time as the General Assembly otherwise direct. Provided that the General Assembly shall not interfere with the term of office of any judge (Article 7. section 5) and believing this bill is in conflict with the constitution, I therefore vote no.

The House proceeded to consider the special order set for 11 o'clock A. M. and the same postponed being the consideration of the substitute for the bill of the House (Sub H. R. 333) entitled An act for the benefit of Blythe Chapel, in Noxubee county, in this state,

Which was read a third time and placed upon its passage.

Mr. Robinson moved that the bill be recommitted to the committee on the Judiciary.

Mr. Chaplin moved the previous question which was seconded and under the operation thereof the motion was disagreed to.

The question being on the passage of the bill.

Mr. Chaplin moved the previous question which was seconded and the main question ordered viz: Should the bill pass?

The question being put,

It was decided in the affirmative, - yeas 55. Nays 3. not voting 24.

Those who voted in the affirmative are:-

Messrs.

Berry, J. M.
Brown, Chas. D.
Bradley,
Bridgeforth.
McLeod,
McGehee,
Mullen,
McVeigh.

Messrs.

Chisholm.
Corbett.
Cleveland.
Coté.
Chandler.
Chapman.
Cote.
Cunningham.
Davis,
Ennis,
Foster.
Gilbrath.
Gravelle.
Grimm.
Hankins. Messrs.
Hazelwood,
Harley,
Johnson. Atlanta
Johnson. J. H.
Joyner,
Kent,
Lee.
Latta,
Murphy. Wm.

Those who voted in the negation are:-

Messrs.

Brown, Saul
Higgins.

Those absent or not voting are:-

Messrs.

Berry. C. E.
Beddingfield.
Copeland.
Crumley.
Eagle,
Fox.
Fairbrush.
Grist,
Hankins. A. H.
Hankins. O.
Hasley, Jr.

Messrs.

Matheny.
Nanney.
Page.
Preston.
Pindall.
Rawlins.
Reid.
Robertson.
Robinson.
Shingleton.
Speas,
Stephenson.
Shepperson.
Stamey,
Stewart
Joyner,
Thompson,
Tillman,
Thornburg.
White.
Walker
Wright
The Speaker.

Messrs.

Shappard.

Messrs.

Lynn.
Murphy. J. H.
Marshall,
Merritt,
Mitchell.
Parish,
Sauber,
Sumpter,
Thomas
Warwick.
Whitt.

Messrs. Messrs.

Kingston. Williams.

So the bill was passed.

The House proceeded to consider the further special order set for the same hour, being the consideration of the substitute for the bill of the House (Sub. H. R. 250) entitled An act to repeal section 1 of an act to grant the swamp and overflowed lands in the Champagnolle swamp land district as stock in the Mississippi, Ouachita and Red River Railroad Company.

Which was read a third time and placed upon its passage.

The question being put, Shall the bill pass?

It was decided in the negative. — yeas 14. nays 57. not voting 17.

Those who voted in the affirmative are:-

Messrs. Messrs

Corbell, Kent,
Cox, Latta,
Forsyth, McLeod,
Gossett Symms.
Harley, Reid.
Johnson, J. H. Robertson,
Kingston, Sumpter.

Those who voted in the negative are:-

Messrs. Messrs.

Berry, J. H. Millen,
Brown, Neal. McKeigh.
Brown, Chas. T. Monteney,
Beasley, Page,
Bridenthal, Preston,
Chaplin, Pindall,
Cleveland, Rankins,
Copeland, Robinson,
Chandler, Sartor,
Crowley, Shipley,
Cunningham Shappard,
Ennis, Spears,
Eagle, Stephenson
Fitt, Shepperson,
Green, Stewart.

Messrs.

Hankins. A. M.
Hankins. Mann
Hankins. O. S.
Harris.
Hayuds.
Johnson. Adam
Joyner.
Lee.
Lynn.
Murphy. Wm
McGehee.

Messrs.

Thigpen.
Thurman.
Tillar.
Thornton.
Warrick.
White.
Walker.
Williams
Wright.
The Speaker.

Those absent or not voting are:—

Messrs.

Berry. C. E.
Beardsley.
Chapman.
Cate.
Dail.
Fox.
Foster.
Gilbreath.
Jolyn

Messrs.

Murphy. J. M.
Marshall.
Merritt.
Mitchell
Parrish
Sherry.
Tucker.
Wheat.

So the bill was not passed.

Under a suspension of the rules for that purpose.

Mr. Cobb moved that the papers of the House be discharged from further service.

On motion of Mr. J. M. Johnson.

Ordered. That the motion lie on the table

Under the order of unfinished business.

The House proceeded to consider the bill of the House (H. R. 162) entitled An act to repeal sections 20 chapter 70 of Iredell's Digest.

Which was read a third time.

On motion of Mr. Sumpter.

The bill was recommitted to the Committee on Counties and County Lines for the purpose of amendment.

The House proceeded to consider the bill of the House (H. R. 152) entitled An act to punish persons for distributing religious

congregations and schools.

Which was read a third time and placed upon its passage.

Mr. Robinson moved the previous question, which was seconded and the main question ordered, viz: Shall the Bill pass?

The question being put,

It was decided in the affirmative. — yeas 38; nays 7, not voting 37.

Those who voted in the affirmative are:-

Messrs.

Chapline,
Corbell,
Cort,
Copeland,
Chandler,
Cunningham,
Eagle,
Fox,
Fitzpatrick,
Gist,
Gilmath,
Grimm,
Hankins. A. M.
Hankins. O. S.
Hankins. Simon,
Haas,
Harley,
Johnson. Adam
Johnson J. M.

Messrs.

Kingston,
Murphy. Jno.
Miller.
Irwin,
Paye,
Reid.
Robinson,
Shrigley,
Spear,
Stephenson,
Shepherson,
Shirey,
Stewart,
Tilton,
Thornburg,
White,
Walker,
Williams,
Wright.

Those who voted in the negative are:-

Messrs.

Berry. J. M.
Byrne. Neal
Foster.
Kent.

Messrs.

McCord,
Maltbey,
Thurman,

Those absent or not voting are:-

Messrs.

Berry. C. E.
Berkeley,
Byrne. Chas. P.
Beasley,

Messrs.

Marshall,
Mayhew,
Merritt,
Mcveigh,

Messrs.

Bridenthal.
Cleveland.
Chapman,
Conway.
Cate,
Dare.
Epps.
Everett.
Hynds.
Ihly n,
Joyner.
Lee,
Lynn.
Latta,
Memphy. J. Mc.

Messrs

Mitchell.
Preston.
Pindall.
Patrick.
Rankins.
Robertson.
Sasser,
Shepperd.
Simpson.
Turner.
Thomason.
Warwick.
Wheat.
The Speaker.

So the bill was passed.

Mr. Robinson moved that the vote last taken be reconsidered and also moved that the motion to reconsider be laid on the table; which latter motion was agreed to.

Mr. A. Mc. Rankins at 12 o'clock and 10 minutes P. M. moved that the House take a recess until 7 o'clock and 30 minutes P.M.

Mr. Preston moved as an amendment that the House take a recess until 3 o'clock. P. M.

Mr. Reid moved that the House adjourn.

Which was not agreed to.

The question recurring on the motion that the House take a recess until 3 o'clock P. M.,

It was agreed to,

And thereupon

The House at 12 o'clock and 12 minutes P. M. took a recess until 3 o'clock P. M.

After the Recess.

The House met at 3 o'clock P. M.

The roll being called it appeared that the following named members were pre-

ent and answered to their names, viz:-

Messrs. C. E. Berry. J. H. Berry, Neal Brown. Chas. F. Brown. Bridenthal. Chapline. Cleveland. Copeland. Chandler. Cate. Cunningham. Ennis. Eagle. Fox. Foster, Gist. Green. Grisham. O. S. Hankins. Homan. Hawkins, Higgins. Haynes. Harley. J. H. Johnson. Joyner. Kent. Lee. Lynn. J. H. Mongley. McLeod, Marshall. McDuffee. Miller, Mcveigh. Mitchell. Nixon. Preston. Pindall. Reid. Robertson. Robinson. Sarber. Shipley. Sheppard. Spears. Stephenson, Shepherson. Stirling. Stewart, Thorne. Thomason. Tillar, Warwick, White, Walker. Wilbanks. Wright. The Speaker.

Under a suspension of the rules for that purpose.

Mr. Copeland introduced a bill (H.R. 347) entitled An act to make an appropriation to defray the expense of the General Assembly.

Which was read a first time.

By unanimous consent,

Under a suspension of the rules.

The bill was read a second time by title.

Mr. Marshall moved that the rules be further suspended and that the bill be read a third time.

Mr. McDuffee moved that the bill be amended by striking out the words "one hundred thousand", and inserting in lieu there of the words "fifty thousand", and also by adding the words. "and that this appropriation be and is hereby appropriated and made for the purpose of the payment of the per diem and mileage of the members exclusively."

Mr. Bridenthal moved as a substitute to the amendment that the bill be amended by inserting after the words "one hundred thousand dollars", the words "or so much there of as is necessary to pay the unpaid mileage and per diem of the officers and members of the General Assembly."

Pending the consideration of the motion,

A message from the Senate by Mr.

Woodford. their assistant secretary: viz:-

Senate Chamber, April 14, 1873.

Mr. Speaker: I am instructed by the Senate to inform your honorable body of the passage by the Senate of H. B. No 118 entitled a bill to be entitled an act to establish an institution to be known and called the Arkansas state lunatic asylum.

Also. (H. B. No 330) an act entitled an act to establish the county of Lee and for other purposes, with certain amendments thereto.

Also. (S. B. No 131) entitled A bill to be entitled An act to provide for the publication and distribution of the journals of the General Assembly and other public documents.

Also. (Sub. for H. B. 325) entitled an act for the relief of engineers employed by the Commissioner of Public Works and Internal Improvements.

Also. (H. B. 307) A bill to be entitled an act supplemental to an act to create the county of Baxter. approved March 24, 1873.

Also. (S. B. No 154) a bill to be entitled An act to repeal an act entitled an act to provide for a registration of legal voters in the state of Arkansas, approved July 15, 1868

Also. (S. B. No 163) entitled A bill to be entitled an act to supply deficiencies in the Supreme court reports, and provide for the sale and distribution of the same.

Also. (H. B. No. 173) an act for the benefit of Pleasant Grove Academy in the county of Green.

Also. Sub. for (S. B. No. 125) entitled A bill for an act entitled an act authorizing the Governor to appoint a geologist to develop the mineral resources of the state of Arkansas and for other purposes.

Also. (H. B. No 238) a bill to be entitled an act to protect taxpayers in their rights.

The question being on the amendment offered by Mr. Brideweathal

After debate.
Mr. Corbell moved the previous question.
The question being put, Shall the main question be now put?
It was decided in the negation,
So the House refused to order the main question.
The question being on the amendment offered by Mr. Brideuthal,
Mr. Coit moved that the bill and pending amendments lie on the table and that the Auditor be requested to furnish this House with an itemized account of all the accounts presented under the appropriations made for the expenses of the General Assembly.
Mr. Copeland moved that the bill and amendments lie on the table and be made special order for 10 o'clock and 30 minutes, A. M. on the morrow.
Which was not agreed to.
The question being on the motion of Mr. Coit.
Mr. McKechee moved as an amendment that the bill and amendments lie on the table subject to the call of the House and that the Auditor, of state, be requested to furnish this House with an itemized statement of the expenditures, which have been audited by the auditor of state, of all the accounts and claims which have been presented to said auditor by the present General Assembly.
Mr. Warwick moved that the bill and amendments be referred to the Committee of Ways and Means.
After debate.
Mr Warwick moved the previous question.
The question being put, Shall the main question be now put?
It was decided in the negation
So the House refused to order the main question,
The question being on the motion that the bill and amendments be referred to the

committee of Ways and Means.

After further debate,

Mr. Chapline moved the previous question which was seconded and the main question ordered, viz: Shall the bill and amendments be referred to the Committee of Ways and Means

Mr. Warwick asked for the yeas and nays.

The question being put,

It was decided in the affirmative, — yeas 45, nays 20,

The yeas and nays being desired by fifth members.

Those who voted in the affirmative are:-

Messrs.

Berry. J. H.
Byrne. Chas. J.
Beasley.
Brideuthal.
Chapline.
Corbell.
Chandler.
Chapman.
Cate
Dare.
Eagle.
Fox.
Forter.
Gilbreath.
Garrett,
Hawkins. A. M.
Harley.
Johnson. Adam
Johnson. J. H.
Joyner.
Kent.
Lee.
Murphy. J. M.
Mc Leod.
Marshall,
Milley.
Mattery.
Branch.
Preston.
Robertson.
Robinson.
Shipley,
Shepherd.
Speas.
Stephenson.
Shepperson,
Sling.
Turner,
Thomas.
Thornburg,
Warwick.
White.
Wright
The Speaker.

Those who voted in the negative are:-

Messrs.

Byrn. Paul
Eberhard.
Ford
Reynolds.
Lynn.
McGehee.

Messrs.

Copeland,
Cunningham.
Cunn.
Dyer,
Guerin.
Hawkins. Horner
Harris.

Messrs.

Page,
Rawlins,
Reid,
Sumpter
Stewart,
Tilbar
Williams.

So the bill and amendments were referred to the Committee of Ways and Means.

Under the order of unfinished business.

The House proceeded to consider the bill of the House (H.R. 255) entitled An act to define the boundary line between the counties of Clarke and Pike.

Which was read a third time and placed upon its passage.

After debate

Mr. Cobell moved the previous question.

The question being put, Shall the main question be now put?

It was decided in the negation.

So the House refused to order the previous question.

The question being on the passage of the bill

And.

The question being put, Shall the bill pass?

It was decided in the affirmative.—

year 42 nays 16. not voting 24

Those who voted in the affirmative are:-

Messrs.

Brown. Neal
Beasley.
Breckenthal.
Chapline.
Cobell.
Cleveland.
Cox.
Copeland.
Chapman.
Crosby.
Cute.

Messrs.

Kent.
Lee,
Lynn.
Memphy. J. Mc.
McLeod,
Marshall,
McAchee.
Millen.
McVeigh.
Maltesy.
Nunn

Messrs.

Frubrush.
Fipteo.
Frit.
Hankins. A. M.
Hankins. O. S.
Hankins. Thomas
Hans.
Johnson. Adam
Johnson. J. H.
Joyner.

Those who voted in the negative are:-

Messrs.

Brown. Chas. F.
Chandler.
Cunningham.
Ervin.
Eagle.
Hazell.
Hyuds.
Latta.

Those absent or not voting are:-

Messrs.

Berry. C. E.
Berry. J. H.
Bellsley.
Davis
Fox.
Gilbreath.
Gibson.
Harley.
Joslyn.
Kingston.
Murphy. Wm.
Merritt.

So the Bill was passed.

Mr. Miller moved that the vote last taken be reconsidered, and also, that the motion to reconsider be laid on the table; which latter motion was agreed to.

On motion of Mr. Frubrush.

The House proceeded to consider the

Messrs.

Robinson.
Shipley.
Shappard.
Speas.
Stephenson.
Stacy.
Shuford.
Warwick.
White.
The Speaker.

Messrs.

Page.
Pindall.
Reid.
Shepperson.
Sumpter.
Thomason.
Williams.
Wright.

Messrs.

Mitchell.
Preston.
Parrish.
Rankins.
Robertson.
Sarber.
Stewart.
Turner.
Tillar.
Thornburg.
Wheat.
Walker.

bill of the House (H. B. 330) entitled An act to establish the county of Lee and for other purposes, together with the Senate amendment thereto that the bill be amended as follows, viz:-

Amend section three by inserting in lieu thereof as follows:

It shall be the duty of the governor to order an election for all the officers of said county by issuing his proclamation therefor for thirty days, or three next before the election;

Also section four. It shall be the duty of the county court of said county at its first session or soon thereafter as possible to order an election for three commissioners whose duty it shall be to locate the court house of such county as nearly as possible they can in conformity to the will of a majority of the people of the county.

Mr. Furbush moved that the House concur in the Senate amendments.

Mr. J. H. Johnson moved the previous question which was seconded and the main question ordered, viz: shall the House concur in the Senate amendments

The question being put,

It was decided in the affirmative.— yeas 40, nays 24, not voting 18,

Those who voted in the affirmative are:-

Messrs.

Brann, Steel
Bearley,
Chaplin,
Corbett,
Crit,
Chandler,
Erwin,
Furbush,
Fyler,
Lyle,
Gilbreath,
Hankins, A. M.,
Hankins, O. S.
Hankins, Moses

Messrs.

McCord
Marshall,
McCleer,
Miller,
Matheny,
Nason,
Preston,
Rankins,
Robertson,
Robinson,
Shrigley,
Sharpland,
Speais,
Shepherson,

Messrs. Kent,
Harris,
Johnson, Aylan
Johnson, J. H.
Joyner,
Murphy, Chas.
Those who voted in the negative are:-

Messrs.
Berry, J. H.
Brown, Chas. E.
Brideuthal,
Chapman,
Crumley,
Cate,
Cunningham,
Eagle,
Fox,
Gossett,
Grisom,
Reynolds.

Messrs.
Hagler,
Lee,
Lynn,
Latta,
McVeigh,
Randall,
Reid,
Stephenson,
Symptes,
Stewart,
Tillar,
Thornburg,
Williams,

Those absent or not voting are:-

Messrs.
Berry, L. E.
Bradsley,
Clendaniel,
Copeland,
Davis,
Jocelyn,
Kingston,
Murphy, J. H.
Merritt,

Messrs.
Mitchell,
Page,
Parish,
Barber,
Turner,
Thorne,
Warwick,
Wheat,
Walker.

So the Senate amendments were concurred in.

Mr. Grimsley moved that the vote last taken be reconsidered and also moved that the motion to reconsider be laid on the table; which latter motion was agreed to,

And then,

On motion of Mr. Robinson,

The House at 5 o'clock and 13

minutes P. M., adjourned.

Approved

Thos Whittaker Speaker.

Attest

Henry Wilson Clerk.

Wednesday April 16. 1873.

The roll being called it appeared that the following named members were present and answered to their names, viz:-

Messrs. C. E. Berry, J. M. Berry, Neal Brown, Chas. F. Brown, Brickenthal, Chapline, Cleveland, Catt. Copeland, Chandler, Chapman, Conley, Cate, Cunningham, Davis, Ennis, Eagle, Fix, Frankish, Foster, Gist, Gilbreath, Gossett, Grissom, A. M. Hankins, O. S. Hankins, Monroe Hawkins, Harris, Reynolds, Harley, Adam Johnson, J. M. Johnson, Joyner, Kingston, Kent, Lynn, Latta, Wm. Murphy, Mc Leod, Marshall, Merritt, Millen, McVeigh, Matheny, Nunn, Paige, Preston, Pindall, Rawlins, Reid, Robertson, Robinson, Sadler, Shipley, Spears, Stephenson, Shepperson, Storey, Shumpert, Stewart, Thurman, Thompson, Tillar, Thornburg, White, Walker, Williams, Wright, The Speaker.

The journal of Thursday was read and approved.

Mr. Fix moved that the House pass to the consideration of the substitute for the bill of the Senate (Sub. S. 129) entitled An act for further securing the duties of the digester of the statutes of this state.

Mr. Millen moved as an amendment that the House pass to the consideration of the bills of the Senate in their order as placed upon the calendar.

Which latter motion was agreed to.

Mr. Chapline moved that the House pass to the consideration of the bill of the House (H. R. 343) entitled An act to extend the corporate limits of the city of Little Rock.

Which was not agreed to.

Under the rule.

The House proceeded to consider the me-

annual of the Senate. (S. Mem. 401 A memorial to the Congress of the United States to make settlement with the Southern Methodist Publishing House.

Which was read a first time.

By unanimous consent,

Under a suspension of the rules,

The memorial was read a second time by title.

On motion of Mr. Sumpter,

The rules were further suspended (two-thirds of the members present voting therefor) and

The memorial was read a third time and placed upon its passage.

The question being put, Shall the memorial pass?

It was decided in the affirmative,— yeas 61, nays 6 not voting 15.

Those who voted in the affirmative are:-

Messrs.

Berry, C. C.
Berry, J. H.
Byron, Neal
Byrum, Chas. F.
Bagley,
Brickenthal,
Chapline,
Cleveland,
Coit,
Copeland,
Chandler,
Chapman,
Crowley,
Cunningham,
Davis,
Fairbush,
Foster,
Gist,
Gorrell,
Grimm,
Hawkins, A. M.
Hawkins, O. S.
Hawkins, Miss.

Messrs.

Lynn,
Latta,
Murphy, J. M.
Murphy, Wm.
McLeod,
Marshall,
Merritt,
Miller,
McVeigh,
Matheny,
Mitchell,
Page,
Preston,
Pindall,
Reid,
Robertson,
Robinson,
Shipley,
Shafpaul,
Shepperson,
Sligh,
Sumpter,
Turner,

Messrs.

Davis.
Hoyuds.
Hanley.
Johnson, Adam,
Johnson, J. B.
Joynes.
Kingston,
Kent.

Those who voted in the negation are:-

Messrs.

Thurmond,
Thomason,
Tilghman,
Turnbury.
White,
Walker,
Wright.

Messrs.

Lee.
Owens.
Spears

Those absent or not voting are:-

Messrs.

Beardsley.
Corbett.
Cate.
Ennis.
Eagle,
Fox,
Gilbreath.
Joslyn,

Messrs.

McGehee,
Parrish,
Rawlins.
Sartor,
Warwick,
Wheat
The Speaker.

So the memorial was passed.

Mr. Kent moved that the vote last taken be reconsidered, and also moved that the motion to reconsider be laid on the table;- which latter motion was agreed to.

Mr. Neal Burns moved that the House pass to the consideration of the bill of the House (H. R. 272) entitled An act defining the duties of police judges, justices of the peace, &c., in certain cases.

Which was not agreed to.

The House proceeded, under the rule, to consider the bill of the Senate (S. 176) entitled An act to provide for the paying for the catholic church dedicated at Rocky Comfort.

Which was read a first time.

Mr. J. M. Murphy moved that the rules be suspended and that the bill be read a second

time.

Which was not agreed to (two-thirds of the members present not voting therefor.)

The House proceeded to consider the bill of the Senate (S. 137) entitled An act supplemental to an act for the location, organization and maintenance of the Arkansas Industrial University, with a normal department therein, approved March 27, 1871, and to establish a normal branch college of said university.

Which was read a first time

Mr. Kingston moved that the bill be rejected

After debate,

No objection being offered,

Mr. Kingston withdrew the motion.

Mr. Chaplin moved that the rules be suspended and that the bill be read a second time.

Which was not agreed to (two-thirds of the members present not voting therefor.

The House proceeded to consider the bill of the Senate (S. 106) entitled An act to quiet titles and prevent conflict in the sale of land by the state of Arkansas and by the United States.

Which was read a first time,

By unanimous consent,

Under a suspension of the rules,

The bill was read a second time by title.

Mr. Stuart moved that one hundred and fifty copies be printed for the use of the House and that the bill be referred to the Committee on the Judiciary with instruction to report as soon as possible.

Mr. J. M. Murphy moved as a substitute that the bill be referred to the Committee on State Lands with instruction to report by 11 o'clock A. M. of Friday, April 18, 1873.

Mr. Chaplin moved the previous question, which was seconded and under the operation thereof the motion was agreed to.

Mr. Corbell moved that one hundred

and fifty copies of the bill last referred be printed for the use of the House

Which was not agreed to

The House proceeded to consider the joint resolution of the Senate (S. St. Res. 11) a joint resolution to appoint the bonds of the sheriff, clerk and treasurer of Hempstead county,

Which was read a first time.

Mr. Marshall moved that the rules be suspended and that the joint resolution be read a second time.

Which was not agreed to two-thirds of the members present not voting therefor.

Mr. Sumpter moved that the joint resolution be rejected.

A message from the Senate by Mr. Woodford their assistant secretary, viz:-

Senate Chamber, April 16. 1873.

Mr. Speaker; I am instructed by the Senate to inform your honorable body of the passage by the Senate of H. B. No 11. entitled A memorial to the Congress of the United States for an appropriation to reimburse the state for the expense incurred in suppressing the disturbances and violence which resulted as an immediate consequence of the reconstruction acts of Congress.

Also, of Senate Bill No 181, entitled An act to authorize the funding of a floating debt of the cities of Pine Bluff and Fort Smith.

Also (S. B. 146) entitled An act to authorize cities and towns to subscribe stock to railroads.

Also (S. B. No. 13) entitled An act for the benefit of the Arkansas Institute for the Blind.

Also, (H. B. No 75) entitled An act to repeal an act entitled an act to regulate the labor system in this state,

Also (H. B. No 177) entitled A bill to define and establish the boundary line between the counties of Columbia and Hempstead and herewith respectfully transmit the same.

A message from his Excellency the

Governor by Mr. McCammany his private secretary who, by unanimous consent, read the same, as follows:-

Executive Department. Arkansas.
Little Rock, April 16, 1873.
To the House of Representatives of Arkansas.
Gentlemen: I have signed and approved House Bill entitled "An act to repeal an act entitled an act to authorize the county courts of the several counties of the state of Arkansas to issue bonds to build a court house and jail in the afore mentioned counties." also House bill entitled "An act to provide for the leasing and management of the state penitentiary," also House bill entitled "An act authorizing city school districts under an act entitled 'an act for the better regulation of public schools in cities and towns to issue bonds for building school houses and for other purposes," also House bill entitled "an act to prevent the destruction of fish by poison in this state"; also House bill entitled "An act for the benefit of a normal institute of Big Bottom township in Independence county Arkansas," also House bill entitled "An act to establish the county of Lonoke and for other purposes;" all of which are herewith returned.

Elisha Baxter.
Governor of Arkansas.

The question being on the motion that the joint resolution be rejected

After debate,

Mr. Barber moved the previous question which was seconded and the main question ordered, viz: Shall the joint resolution be rejected?

The question being put,

It was decided in the negative.— year 33, nays 40,

The year and nays being desired by five members.

Those who voted in the affirmative are:

Messrs.

Berry, J. M.
Beasley,
Biddenthal.
Chandler,
Chapman,
Crosby,
Cate,
Cunningham,
Cunn.
Eagle.
Foster,
Gist,
Gilbreath,
Jarrett,
Hynds,
Harley,
Joyner.

Those who voted in the negative are:-

Messrs.

Berry, C. E.
Bynum, Neal.
Bynum, Chas. F.
Chaphin.
Corbell,
Copeland,
Dail,
Fox,
Fulbright
Grimm.
Hankins, A. M.
Hankins, O. S.
Hankins, Mann
Harris,
Johnson, Adam
Johnson, J. M.
Kingston,
Lee,
Murphy, J. M.
Murphy, Wm.

Messrs.

Kent,
Lynn,
Latta,
Mathony,
Mitchell,
Preston,
Pindall,
Reid,
Sumpter,
Stewart,
Thorne,
Thomason,
Tillar,
Thornburg,
Walker,
Wright.

Messrs.

McLeod,
Marshall,
McGehee,
Millen,
Nunn,
Page,
Rountree,
Robinson,
Barber,
Shrigley,
Shappard,
Spears,
Stephenson,
Shepperson,
Sloan,
Sudduth,
Warwick,
White,
Williams,
The Speaker.

So the House refused to reject the joint resolution.

Pending the vote,
Mr. Cottrell (when his name was called,) sent to the clerk's desk the following explanation of his vote, viz:—
Mr. Speaker: In explanation of my vote I desire to say that I intended to vote against this resolution; but upon hearing the able argument of the honorable member from Prairie county (Mr. Mr. Ennis) I am satisfied that this resolution ought to pass for the following reasons:
1st. Because the county court of Hempstead county met in session at 12 o'clock A. M. December 28th and adjourned sine until the 6th day of January 1873 thereby not giving the officers any chance to file their bonds before the court for approval and hence we are the only remedy that they had to appeal to for justice in their behalf.
2nd. Because I think that the action of the county court of Hempstead county was to delay their time entering upon the duties of their respective offices and also believing that this General Assembly has the right to approve or reject the bonds of the officers of any county in this state, and for other reasons to be given to mention I vote no.
Mr. Thornbury, subsequently, sent to the clerk's desk the following explanation of his vote, viz:—
Mr. Speaker: In explanation of my vote I have to say that we have three branches of our state government— the legislative to make laws, the judiciary to administer and adjudicate upon the laws, and the executive to execute the same. Now I find that this question is in its nature judicial, and not only judicial in its nature, but made so specially by act of the legislature, which impose the duty on the county courts, and they are the proper tribunals to apply to for approval of these bonds. Not inquiring into the facts in the case, nor caring what they may be

vote upon it as a legal proposition, and think it should be rejected. I therefore vote aye.

The vote was then announced as above.

And then,
On motion of Mr. Reid.
The House, at 2 o'clock and 27 minutes P.M. adjourned.

Approved
Hannibal Hamlin Speaker.
Attest
Jerry Madigan Clerk.

Thursday, April 17, 1873.

The roll being called it appeared that the following named members were present and answered to their names, viz:

Messrs. C. E. Berry, J. H. Berry, Neal Burns, Chas. F. Burns, Beasley, Bridges, Chub, Chaplin, Cobb, Coburn, Coffin, Copeland, Chandler, Chapman, Conway, Cate, Cunningham, Dane, Dunn, Eagle, Foster, Gist, Gilbreth, Garcelon, Grisson, A. M. Hawkins, Hall, Hayes, Hayden, Harley, Jordyn, Adam Johnson, J. H. Johnson, Kingston, Kent, Lynn, Latta, J. H. Murphy, Mrs. Murphy, McCrea, Marshall, Merritt, Mellen, McVeigh, Matheny, Nunn, Page, Patten, Pinkham, Rawlins, Reid, Robertson, Spears, Stephenson, Strong, Sumpter, Stewart, Thurston, Thurlow, White, Walker, Williams, The Speaker.

The journal of Wednesday was read and approved.

Mr. McLeod from the Committee on Enrolled Bills reported correctly enrolled the bill of the House (H. R. 124) entitled An act to define and establish the boundary lines between the counties of Prairie and White.

Also, the bill of the House (H. R. 170) entitled An act to revive the first clause of the first proviso of the 14th section of an act approved Jan. 1st 1861, entitled an act for the incorporation of the city of Augusta &c.

Also the memorial of the House (H. mem 10) a memorial to the Congress of the United States praying an increase of mail service on Route 7509.

Also the bill of the House (H.R. 329) a bill to be entitled an act to pay registrars for making the special registration in the year 1873.

Also the bill of the House (H.R. 330) entitled an act to create the county of Lee and for other purposes.

Also, the bill of the House (H.R. 239 entitled an act to establish and organize the county of Dorsey.

Also, the joint resolution of the House (H. Jt. Res. 27) entitled a joint resolution authorizing the adjournment of the present general Assembly on the 25th of April, A.D. 1873.

Also the bill of the House (H.R. 236) entitled An act to create the county of Howard and for other purposes.

Under the rules.

The House proceeded to consider the bill of the House (H.R. 343) entitled An act to provide for adding territory to cities of the first class.

Which was read a third time and placed upon its passage.

The question being put.

It was decided in the affirmative.— yeas 45, nays 8, not voting 29.

Those who voted in the affirmative are:—

Messrs.

Berry, C. C.
Berry, J. H.
Brown, Chas. E.
Brickenthal.
Chapline.
Cleveland.
Copeland.
Cate.
Eagle.
Fairbrush.
Gist

Messrs.

Merritt.
Millen.
McVeigh.
Matthews.
Arnold.
Page.
Preston.
Rawlings.
Reid.
Robinson
Shipley.

Messrs.

Jarrett.
Jenkins. A. M.
Jenkins.
Joslyn.
Johnson. Adam
Johnson, J. N.
Kingsbury
Kent.
Lee.
Murphy, J. M.
Murphy, Wm.
Marshall.

Those who voted in the negative are:-

Messrs.

Cunningham.
Davis.
Ennis.
Hagley.

Those absent or not voting are:-

Messrs.

Beardsley.
Brown, Paul
Beasley.
Corbett
Coit.
Chandler.
Chapman.
Crowley.
Fox.
Foster.
Gilbreath.
Grimm.
Hankins. O. S.
Hankins. Wm.
Reynolds.

Messrs.

Spears.
Shepherd.
Sperry.
Tucker.
Thyrman.
Thornburg.
Wauneka.
Walker.
Williams.
Wright
The Speaker.

Messrs.

Robertson
Stephenson.
Stewart.
White.

Messrs.

Joyner.
Lynn.
Latta.
McLeod.
McGehee.
Mitchell.
Randall.
Parrish.
Sayer.
Sharpe.
Simpkins.
Thorn.
Tillar.
Wheat.

So the bill was passed.

Mr. J. M. Murphy moved that the vote last taken be reconsidered. and also moved that the motion to reconsider be laid on the table: which latter motion was agreed to.

Mr. Miller moved that the House pass

to the consideration of bills from the Senate.

Mr. Kingston moved as an amendment that the House proceed to consider the bills in the order in which they may be called up and placed upon the calendar.

Mr. Fox moved as a substitute that the House pass to the consideration of the substitute for the bill of the Senate (Sub. S. 129) entitled An act for further prescribing the duties of the digesters of the statutes of this state.

Which latter motion was agreed to.

And,

The House accordingly proceeded to consider the substitute for the bill of the Senate (Sub. S. 129) entitled An act for further prescribing the duties of the digesters of the statutes of this state.

By unanimous consent,

Under a suspension of the rules,

The bill was read a first and second time by title.

On motion of Mr. Fox.

The rules were further suspended (two-thirds of the members present voting therefor) and,

The bill was read a third time and placed upon its passage.

Mr. J. M. Murphy moved the previous question, which was seconded, and the main question ordered, viz:- Shall the bill pass?

The question being put,

It was decided in the affirmative.— yeas 18, nays 14, not voting 15.

Those who voted in the affirmative are:-

Messrs.

Berry, C. E.
Brimm, Neal
Corbell,
Copeland,
Chapman,
Cate,
Davis,

Messrs.

Millen,
McVeigh,
Symms,
Paye,
Pierce,
Rankins,
Reid.

Messrs.

Eagle
Fox,
Frutuch,
Foster,
Gilbreath,
Hawkins, A. McC.
Hawkins, Marion,
Harris,
Hynds,
Johnson, Adam,
Johnson, J. McC.
Kent,
Latta,
Murphy, J. McC.
Murphy, Wm.
Marshall,
Merritt,

Those who voted in the negative are:-

Messrs.

Berry, J. McC.
Brown, Chas. F.
Breidenthal,
Cleveland,
Coit,
Chandler,
Crowley,
Cunningham,
Ennis,
Ingrett,
Jones,

Those absent or not voting are:-

Messrs.

Beardsley,
Beardsley,
Chapline,
Hunt,
Hawkins, O. S.
Irvin,
Joyce,
Lynn,

Messrs.

Robertson,
Robinson,
Shappard,
Speare,
Stephenson,
Shepperson,
Strong,
Sunderland,
Stewart,
Tynan,
Thorn,
Thornburg,
Warwick,
White,
Walker,
Williams,
Wright,

Messrs.

Brison,
Hanley,
Kinchloe,
Lee,
Matheny,
Pindell,
Thomason,
Tilley,
The Speaker,

Messrs.

McLeod,
McGehee,
Mitchell,
Parish,
Sayler,
Shyyley,
Wheat,

So the Bill was passed.

Mr. Marshall moved that the vote last

taken be reconsidered and also moved that the motion to reconsider be laid on the table; which latter motion was agreed to.

Mr. Marshall moved that the House pass to the consideration of the joint resolution of the Senate (S. Jr. Res. 11) a joint resolution to appoint the bond of the sheriff ~~Clerk~~ and treasurer of Hempstead county,

Which was not agreed to.

The House proceeded to consider the bill of the Senate (S. 128) entitled An act requiring all railroad companies within the state of Arkansas to stop trains at incorporated towns through which such roads pass.

By unanimous consent,

Under a suspension of the rules,

The bill was read a first and second time by title.

On motion of Mr. Robinson,

The rules were further suspended by unanimous consent, and

The bill was read a third time and placed upon its passage.

Mr. J. H. Johnson moved the previous question, which was seconded and the main question ordered, viz:- Shall the bill pass?

The question being put,

It was decided in the affirmative.- yeas 46, nays 2, not voting 24.

Those who voted in the affirmative are:-

Messrs.

Berry, C. E.
Brown, Neal
Brown, Chas. F.
Brearley,
Biddlethal,
Cobbell,
Croft,
Copeland,
Cate,
Davie,
Erwin,

Messrs.

Humphry, J. M.
Humphry, Wm.
Marshall,
McClellan,
Merritt,
Mullen,
Nunn,
Preston,
Pindall,
Rawlins,
Reid.

Messrs.

Fix,
Funbush,
Gist,
Grissom
Hankins. A. M.
Hankins. Mervin
Harris,
Joslyn,
Johnson, J. H.
Kingston,
Lee,
Lynn,

Messrs.

Robinson,
Shapard,
Spears,
Stephenson,
Shepherd,
Styron,
Stewart,
Tillman,
Thompson,
White,
Williams,
The Speaker,

There who voted in the negative are:-

Messrs.

Berry. J. H.
Cleveland,
Cunningham,
Eagle,
Garrett,
Hanley,

Messrs.

Kent,
McVeigh,
Sumpter,
Turner,
Walker,
Wright,

There absent or not voting are:-

Messrs.

Beardsley,
Chapline,
Chandler,
Chapman,
Conley,
Foster,
Gilbreath,
Hankins. O. S.
Hopkins,
Johnson. Adam
Joyner,
Latta,

Messrs.

McLeod
Matheny,
Mitchell
Page,
Parrish,
Robertson,
Sauber,
Shrigley,
Thurman,
Thomason,
Warwick,
Wheat,

So the Bill was passed.

Mr. Robinson moved that the vote last taken be reconsidered, and also moved that the motion to reconsider be laid on the table, which latter motion was agreed to,

Mr. McVeigh moved that the House proceed to the consideration of the bill of the Sen-

ate (S. 127) entitled An act supplemental to an act for the creation organization and maintenance of the Arkansas Industrial University with a normal department thereto. approved March 27, 1871. and to establish a normal branch college of said university.

Mr. Kingston moved as a substitute that the House proceed with the consideration of bills in the order in which they are placed upon the calendar.

Which latter motion was agreed to.

Under the rule

Hon. Bell introduced a bill (H. R. 348) entitled An act amendatory of and supplementary to an act entitled an act providing for clerks of circuit courts in certain counties and define their duties.

Which was read a first time.

By unanimous consent.

Under a suspension of the rules.

The bill was read a second time by title.

Hon. Thomas moved that the further consideration of the bill be indefinitely postponed

Hon. J. M. Murphy moved the previous question which was seconded, and the main question ordered. viz:- Shall the further consideration of the bill be indefinitely postponed?

Hon. Stewart asked for the yeas and nays.

The question being put,

It was decided in the negative. — Yeas 33. nays 36.

The yeas and nays being desired by five members.

Those who voted in the affirmative are:-

Messrs.

Berry. J. M.
Brown. Neal
Beasley.
Bridenthal.
Chandler.
Cunningham.
Erwin.

Messrs.

Merritt.
McVeigh.
Matthews.
Nunn.
Ogden.
Riddell.
Reid.

Messrs.
Eagle,
Fairbank.
Foster.
Gist.
Garrett.
Grimm.
Harley.
Lee.
Lynn.
Latta.

Those who voted in the negative are:-

Messrs.
Berry. C. E.
Brown. Chas. S.
Chapline.
Cort.
Copeland.
Cate.
Davis.
Fox.
Gilmath.
Hankins. A. M.
Hankins, Nunn.
Harris.
Irby.
Johnson. Adam.
Johnson. J. H.
Kingston.
Kent.
Memphy. J. M.

Messrs.
Murphy. Wm.
McLeod.
Marshall.
McAfee.
Miller.
Page.
Rawlins.
Robertson.
Robinson.
Shappard.
Spears.
Stephenson.
Shepperson.
Strong.
Sculptor.
Turner.
Warwick.
The Speaker.

So the House refused to indefinitely postpone the further consideration of the bill.

Mr. Cort moved that the bill lie on the table and be made special order for a third reading for 10 o'clock and 45 minutes A. M. on the morrow.

Mr. Turner asked for the year and nays.

The question being put,

It was decided in the affirmative:

—Yeas 37. nays 31.

The yeas and nays being desired by five members.

Those who voted in the affirmative are:-

Messrs.

Berry. C. E.
Brown. Chas. F.
Chaplin.
Cox.
Copeland.
Davis.
Furbush.
Gilbreath.
Hamlin. A. M.
Hawkins. O. S.
Hawkins. Homer
Harris.
Jordyn.
Johnson. Adgate
Johnson. J. M.
Kingston,
Kelt.
Murphy J. M.
Murphy. Wm.
McLeod.
Marshall,
Mayhew.
Millett.
Nunn.
Page,
Rankins.
Robertson,
Robinson,
Spears,
Stephenson.
Shepperson.
Storey.
Snyder.
Spaulding,
Warrick.
White,
The Speaker.

Those who voted in the negative are:-

Messrs.

Berry. J. M.
Brown, Fred.
Beasley.
Bribeuthal.
Cleveland.
Chandler.
Cate.
Cunningham.
Emery.
Eagle.
Foster.
Gist.
Gossett.
Grimm.
Hagley,
Lee.
Lynn.
Latta
Mayhew.
Matheny.
Preston.
Pendell.
Reid.
Sumpter,
Sprout.
Strong,
Sprague,
Tillar.
Walker.
Williams.
Wright,

So the motion was agreed to.

The House proceeded to consider the bill of the House (No. R. 25) entitled An act to authorize and provide for the foreclosure of mortgages to the state in the interest division of the Real Estate Bank of the state of Arkansas.

Which was read a second time.

Mr. J. M. Berry moved that the further consideration of the bill be indefinitely postponed.

After debate,

Mr. J. M. Murphy moved the previous question which was seconded, and the main question to-wit; shall the further consideration of the bill be indefinitely postponed?

Mr. J. M. Berry asked for the yeas and nays.

The question being put.

It was decided in the affirmative.—yeas 40, nays 22.

The yeas and nays being demanded by five members.

Those who voted in the affirmative are:-

Messrs.

Berry, J. M.
Bohm, Neal,
Beasley,
Biddlethal.
Chandler.
Chapman.
Crowley.
Cate.
Eppes.
Eagle,
Fiske,
Gist.
Gilbreath
Gossett,
Harley,
Snyder,
Kent,
Lee,
Lynn
Latta,

Messrs.

Murphy, Jno.
Merritt,
McVeigh,
Matheny,
Preston,
Pindall,
Reid,
Robertson,
Sharpe,
Spears,
Stephenson,
Story,
Sandefur,
Stewart,
Thurman,
Thurman,
Tillar,
Thornbury,
Walker,
Wright,

Those who voted in the negative are:-

Messrs.

Berry. C. E.
Brown. Chas. F.
Cort.
Copeland.
Cunningham.
Durrant.
Hankins. A. M.
Hankins. O. S.
Irby.
Johnson Adam.
Shepperson.

Messrs.

Kingston.
Murphy. J. M.
Mullen
Nunn.
Page.
Sayer.
Shrigley.
Smith.
Yancey.
White.
Williams.

So the further consideration of the bill was indefinitely postponed.

The House proceeded to consider the bill of the House (No. R. 100) entitled An act authorizing insurance of attachments"

Which was read a second time

Mr. Walker moved that the bill be engrossed for a third reading and be made special order for 12 o'clock M. on the morrow.

Mr. J. M. Johnson moved as a substitute that the further consideration of the bill be indefinitely postponed.

Mr. Chaplin moved that the bill lie on the table.

Which was not agreed to.

The question recurring on the motion that the further consideration of the bill be indefinitely postponed.

It was not agreed to.

Then,

On motion of Mr. Sumpter,

The bill was recommitted to the Committee on the Judiciary with instruction to report the bill on the morrow.

Mr. Chaplin from the Committee on Counties and County Lines, in accordance with previous instruction of the House, to whom was referred the bill of the House (No. R 162) entitled An act to repeal section 20 of

chapter 70 of Revised digest, reported the same and recommended a substitute therefor.

On motion of Mr. Copeland,

Under the operation of the previous question

The report of the committee was adopted and the substitute was accordingly adopted in lieu of the original bill.

Under the operation of the previous question

On motion of Mr. Chapline,

The bill was read a third time and placed upon its passage.

Pending the consideration of the bill,

Mr. J. H. Murphy at 12 o'clock and 54 minutes P. M. moved that the House take a recess until 3 o'clock P. M.

Mr. J. H. Berry moved that the House adjourn

Which latter motion was agreed to.

And thereupon,

The House at 12 o'clock and 55 minutes P. M. adjourned.

Approved

Chas. M. Clarke Speaker

Attest

Henri Wallon Clerk.

Friday, April 18. 1873.

The roll being called it appeared that the following named members were present and answered to their names, viz:-

Messrs Berry, C. C. Berry, J. H. Brown, Chas. D. Beasley, Bridenthal, Corbell, Cleveland, Col. Copeland, Chandler, Chapman, Conley, Cunningham, Davis, Ennis, Eagle, Foster, Flint, Gilbreath, Grosset, A. M. Hawkins, O. S. Hawkins, Hays, Hoyuds, Harley, Adams Johnson, J. H. Johnson, Joyner, Kent, Lee, Lynch, Mann, Murphy, McLeod, Marshall, McAdoo, Meyers, Miller, Matheny, Mitchell, Nunn, Preston, Pindall, Rawlins, Reid, Robertson, Robinson, Sauber, Shipley, Speare, Stephenson, Sling, Sumpter, Stewart, White, Walker, Williams, Wright, The Speaker,

The journal of Thursday was read and approved.

On motion of Mr. Corbell,

The leave of absence heretofore granted the Rev. Mr. E. B. Ford, chaplain of the House was extended until Tuesday, April 22, 1873.

The House resumed consideration of the business pending at the hour of adjournment on the preceding day, being the consideration of the substitute for the bill of the House (Sub. H. R. 162) entitled An act to repeal section 20 of chapter 70 of Laws digest.

The question being on the passage of the bill.

Before the roll was called,

On motion of Mr. McClelhee,

Under the operation of the previous question,

The bill was referred to the Committee on the Judiciary for the purpose of amendment.

The House proceeded to consider the bill of the Senate (S. 103) entitled An act concerning incorporate bridge companies.

Which was read a first time

By unanimous consent,

Under a suspension of the rules,

The bill was read a second time by title,

Mr. Coit moved that the rules be further suspended and that the bill be read a third time.

Which was not agreed to. (two-thirds of the members present not voting therefor)

A message from the Senate by Mr. Orrick their secretary, viz:-

Senate Chamber, April 18, 1873.

Mr. Speaker:- I am instructed by the Senate to inform your honorable body that the Senate has adopted and passed a substitute for H. B. 87. an act entitled an act to regulate the supervision and maintenance of a uniform system of

common schools for the state of Arkansas and herewith transmit the same, returning with it H. B. 87 and respectfully ask your concurrence in the substitute.

Also the substitute for S. B. No. 88 and 104 entitled an act to amend the code of civil practice

Also of the passage by the Senate of H. B. No 235, entitled. A bill for the relief of the securities of H. B. Williams late sheriff and collector of Hempstead county.

Also H. B. No. 255 entitled a bill to be entitled an act to define the boundary lines between the counties of Clark and Pike.

Also, (H. B. 328) entitled A bill to be entitled an act regulating the time of holding the terms of the separate court of chancery for Pulaski county.

Also (S. B 174) entitled A bill for an act entitled an act for the relief of the tax payers of Jackson-port, Jackson county, from the payment of certain taxes and herewith respectfully transmit the same.

Under the rule.

Mr. Fox from the Committee on the Judiciary to whom was refered the bill of the House (H. R. 339) entitled An act to define the jurisdiction and regulate the course of proceedings in the courts of justices of the peace in civil cases reported the same with the recommendation that the bill be amended, as follows, viz:-

In section 1. Strike out all after the word "actions" on line ten.

Add at the conclusion of section two the following "Provided, action cognizable before a justice of the peace instituted by summons or warrant, shall be brought before some justice of the township, wherein the defendant resides or is found; or if there be one or more defendants in different townships, then in the township where one of them resides or is found. Provided further, if there are several defendants joint by both, to a suit, residing in different townships the suit may be brought in any such township.

against all such defendants; and the constable of the township in which the suit may be brought, shall serve the process in the several townships wherein said defendants may reside"

On line two from the bottom in section three (3) strike out the words "of any adjoining township."

On sec. four (4) on line fifth from the bottom strike out the word "twelfth" and insert in lieu thereof the word "eleventh". On line seven from strike out the word "eleventh" and insert in lieu thereof the word "tenth."

On section eight after the word "delay" on fifth line from the bottom insert the words "and in all cases where there is no constable in the township"

On section 9. add at the conclusion of the section the words "or by reading it to and in the presence of the defendants!"

On section 22. on line seven from the bottom strike out the word "ten" and insert in lieu thereof the word "five."

On section 123 after the word constable between lines three and four the following words "or a justice of the peace."

On section 123 strike out all after the word "force" in second line from the bottom and insert in lieu thereof the words "sixty days after its passage"

The report of the committee was adopted and the amendments were accordingly agreed to.

And,

On motion of Mr. Fox.

Ordered. That the bill be engrossed for a third reading and be made special order for 10 o'clock and 30 minutes A.M. of Monday April 21, 1873.

Also from the same committee, to whom was referred the bill of the House (H.R. 332) entitled An act for the relief of the securities of Elizabeth Thomas. late of St Francis county, reported the same and recommended its passage.

And.

On motion of Mr. Furbush.

Ordered, That the bill be engrossed for a third reading and be made special order for 11 o'clock and 15 minutes A. M. on the morrow.

Mr. McLeod, from the Committee on Enrolled Bills, reported correctly enrolled the bill of the House (H. R. 173) entitled An act for the benefit of Pleasant Grove Academy in the county of Greene.

Also, the bill of the House (H. R. 245) entitled An act for the relief of collectors of revenue and for other purposes.

Also, the bill of the House (H. R. 307) entitled An act supplementary to an act to create the county of Baxter, approved March 24, 1873.

Also, the bill of the House (H. R. 39) entitled An act to create the county of Stone and for other purposes.

Also the bill of the House (H. R. 73) entitled An act to encourage the breeding and raising of fine horses and mules.

Also the bill of the House (H. R. 325) entitled An act for the relief of engineers employed by the Commissioner of Public Works and Internal Improvements.

On motion of Mr. Kent,

The House proceeded to consider the bill of the House (H. R. 341 entitled An act to provide for the mode of holding all general and special elections, registration of electors, to preserve the purity of the ballot, and to repeal an act to provide for the election of all executive and judicial officers, members of the General Assembly, representatives of the state in the Congress of the United States, and presidential electors, approved July 23, 1868, also to repeal an act to provide for the registration of the legal voters in the state of Arkansas, approved July 13, 1868, together with the amendments of the Senate thereto, as follows:

Strike out all after the enacting clause and insert the following.

Section 1. That all elections for state, district

county, township, municipal and other officers, members of the general assembly, members of Congress and presidential electors, shall be held on the first Tuesday after the first Monday of November, and shall be styled general election, and shall be held at the ~~same~~ time and in the same manner and form, and subject to the same regulations hereinafter prescribed and no other.

Sec. 2. Elections for governor, lieutenant governor, secretary of state, auditor, treasurer, attorney general, superintendent of public instruction, superintendent of the penitentiary, commissioner of public works and internal improvements, presidential electors, county clerks, circuit clerks, sheriffs, county treasurers, coroners, surveyors, and justices of the peace shall be held on the first Tuesday after the first Monday of November, one thousand eight hundred and seventy-six and every four years thereafter, and at no other time. Provided, That special elections to fill a vacancy in any office mentioned in this section caused by death, resignation or removal, may be held at such other time or times as may be designated or ordered by the governor in pursuance of law.

Sec. 3. Elections for representatives in the General Assembly, and to supply the place of Senators in the General Assembly whose terms of service shall have expired, members of Congress and constables, shall be held on the first Tuesday of November, one thousand eight hundred and seventy-four, and every two years thereafter; Provided, that special elections to fill a vacancy in any office mentioned in this section may be held at such other times as the governor may designate in pursuance of law.

Sec 4. Elections for associate justices of the supreme court and all other election officers not mentioned in this act shall be held at such time or times as is now or

may hereafter be provided by law but, such elections shall be held and conducted in all respects in the manner herein provided for the election of state and county officers.

Sec. 5. All elections shall be held in each county in the state at the several election polls or voting places to be established, in the manner hereinafter prescribed, and shall be completed in one day and the polls shall be kept open at each poll and voting place from the hour of eight in the morning until 5 o'clock in the afternoon.

Sec 6. Each township in this state as now established, or as may hereafter be established in the manner provided by law, is hereby fixed as an election precinct, except that in incorporated cities of the first class, each ward shall constitute a precinct and the county supervisor of elections shall direct what number of polls or voting places shall be established in each precinct of his county, and fix the places of holding the election.

Sec 7. All special elections held in this state to fill any vacancies, shall be conducted managed, and returns thereof shall be made in the same manner as is herein provided for general elections.

Sec. 8. It shall be the duty of the governor, at least sixty days before any general election and twenty days before any special election, except in cases herein expressly provided to issue his proclamation giving notice thereof, specifying the officers to be elected, which shall be published in all the official papers of the state and copies thereof forwarded to the supervisors of elections for the counties in which such election is to be held

Sec 9. In case of vacancy by death, resignation or otherwise in the office of Representative in Congress between the general elections, it shall be the duty of the governor, by proclamation to cause an election to be held according to law to fill said vacancy.

Sec. 10. All municipal elections held in any incorporated city of the first class in the state shall be conducted in the same manner, and returns forwarded to the State board of canvassers in the same manner and form as is prescribed for general elections, and the mayor and other officers of any such incorporated city is hereby prohibited from appointing judges or other officers to hold or conduct any election whatever.

Sec. 11. Whenever the seat of any senatorial representation shall become vacant and there shall be a session of the general assembly then sitting or to be held before the next general election, it shall be the duty of the governor, within two days after being officially informed of such vacancy, to issue his proclamation of election directed to the supervisors of election in and for each county composing the district in which such vacancy may exist, whose duty it shall be, within two days after its receipt, to give public notice in their respective counties of the day an election be held to fill such vacancy, which day shall not be less than ten nor more than 15 days after the publication of such notice, if such election be held during or within fifteen days preceding a session of the general assembly, but if not, then the election shall be held not less than twenty nor more than thirty days after publication of such notice.

Sec. 12. The governor shall, within thirty days after the returns of the election have been filed in the office of the secretary of state by the state board of canvassers as herein provided, issue commissions to all officers who are shown to be elected by said returns, which commissions shall be countersigned by the secretary of state and have the state seal affixed thereto.

Sec. 13. Within five days after the returns of the election for representatives in Con~~gress~~

shall have been filed in the office of the secretary of state by the state board of canvassers a certificate of the returns of election for such representatives shall be entered on record by the secretary of state, and signed by the governor, and a copy thereof subscribed by said officers, shall be delivered to the person so elected and another copy transmitted to the House of Representatives of the Congress of the United States, directed to the Clerk thereof.

Sec. 14. In all elections for members of the General Assembly, county, township, or municipal officers, if there should be an equal and highest number of votes given to two or more candidates for the same office, the election for such office or offices thus not filled shall be again returned to the electors in the county, township, city, ward, or district as the case may be, and it shall be the duty of the governor or mayor as the case may be within five days after he is officially informed of such tie vote, to issue his proclamation ordering a special election to be held within thirty days from the date of the proclamation to fill the vacancy in such office or offices.

Sec. 15. All officers attending election and all persons of election, shall be free from arrest during the time of holding the election, or going to or returning from the voting place, unless he or they be charged with having committed a felony.

Sec 16. The term of office of all justices of the peace and constables shall expire within thirty days after this act becomes a law, and the governor shall thereafter appoint at least one competent person in each township in this state as a justice of the peace, and one competent person as constable.

The justices so appointed, shall hold their offices until the first day of January, one thousand eight hundred and seventy ~~four~~.

Supervisors and judges their duties &c.

Sec 17. It shall be the duty of the supervisor of elections to provide for each election poll or vot-

ing place, within his county, one suitable tin ballot box with lock and key, which box together with the lock and key, he shall deliver or cause to be delivered on or before the day fixed for an election, to one of the judges of election for each poll or voting place, and any supervisor of elections who shall fail to so provide and deliver such ballot box lock and key, shall be deemed guilty of a misdemeanor, and on conviction thereof in any court of competent jurisdiction, shall be fined for each failure in any sum not less than one hundred dollars nor more than five hundred dollars.

Sec. 18. It shall be the duty of each supervisor of elections to deliver or cause to be delivered to one of the judges of election for each poll or voting precinct in his county, such written or printed instructions, books and blanks, as may be necessary to enable the judges to discharge their duties according to law.

Sec 19. It shall be the duty of the supervisors of elections, at least twenty days before every general election and ten days before each special election held under the provisions of this act, except in case herein otherwise expressly provided, to cause notices to be posted up in each precinct in his county, stating the time and places the election will be held and the offices to be voted for, and if there be one or more newspapers published in the county, by publishing the same in such paper or papers. But no election shall be invalidated if any supervisor fails to comply with the requirements of this section.

Sec 20. The county supervisor of elections shall file with the County Clerk an itemized account verified by affidavit, of all proper expenses necessary for the holding of an election, which account shall be examined by the board of supervisors and if found correct they shall allow the same and order the clerk to draw his warrant for the amount named therein.

Sec. 21. The election at each poll or voting place shall be presided over by three judges of elections to be appointed by the county supervisor of elections, one of said judges to be of the opposite political party; each of the judges so appointed shall before entering upon the discharge of his duties, take and subscribe the following oath, to-wit: "I — do solemnly swear (or affirm) that I am not disfranchised by the constitution or laws of the United States, or the Constitution of the state of Arkansas; that I will honestly and faithfully support and defend the constitution and laws of the United States, the union of states, and the constitution and laws of the state of Arkansas, and that I will honestly and faithfully discharge the duties of the office on which I am about to enter, to the best of my ability; so help me God," which oath may be administered by the judges to each other.

Sec. 22. Should only one of the judges appointed be present at the hour prescribed for opening the polls at any election, he shall appoint another, and both together shall appoint a third; should only two be present they shall appoint the third, and should all be absent, the voters assembled at the hour and place designated for opening the polls shall elect the three, and the judges so appointed or elected, shall take the oath and perform all the duties of judges of election in the same manner as if they had been appointed by the supervisor of election. Provided, that should any regular judge, appointed by the county supervisor of elections as herein before provided, who may have been absent when the polls were opened, appear at the polls before the same are closed, he may, if he so desire, qualify and immediately enter upon the discharge of his duties as such judge, relieving any judge that may have been elected or appointed to fill his place. Provided, also, that in the event more than one judge has been elected or appointed to fill a vacancy, such regular judge shall

designate the judge to be relieved by himself.

Sec. 23. Any person duly appointed judge of an election by the county supervisor, who shall wilfully refuse or fail to serve as such shall be fined in any sum not less than one hundred dollars, and not more than five hundred dollars to be recovered by prosecution before any court of competent jurisdiction.

Sec. 24. The judges of election shall preserve order and decorum at the election, and it shall be their duty, or any of them, to issue a warrant forthwith for the arrest of any disorderly person or persons in their respective precincts, which warrant may be directed to any sheriff, constable, police, or other officer, and shall be immediately executed by such officer, who shall convey and keep away from the polls such person or persons until the same are closed. As soon as practicable after the close of the polls, such person or persons shall be brought before a court of competent jurisdiction for examination, who shall proceed forthwith to examine the case. Provided, such person shall be permitted to register and vote, if not disqualified before being taken away from the polls.

Sec. 25. Should any judge of election to whom the supervisors of elections may have delivered the ballot box, lock and key, instructions books and blanks, neglect or fail to produce the same at the polls or voting place at the hour fixed by law for opening the same, such judge shall be deemed guilty of a misdemeanor, and upon conviction thereof in a court of competent jurisdiction, shall be fined in any sum not less than one hundred dollars nor more than five hundred dollars.

Sec. 26. It shall be the duty of the judges of elections at each polls or voting place, or any one of them, immediately after proclamation is made of the opening of

the polls, to open the ballot box in the presence of the people then assembled and turn it upside down or act to empty it of anything it may contain and then lock it; and it shall not be again opened until opened by the supervisor of elections for the purpose of counting the ballots.

Sec. 27. It shall be the duty of the judges of elections at each poll or voting place, to appoint one or more persons, who shall with them be conservators of the peace on the day of any election, and they are hereby empowered and it shall be their duty to arrest all offenders.

Any person refusing to act as such conservator when appointed, or shall neglect or refuse to arrest any offender, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than fifty dollars nor more than two hundred dollars.

Sec. 28. It shall be the duty of the county supervisor of elections to appoint one of the judges of election to keep a record of all persons who may register and vote during the election, and another to record the ballots. As soon as a ballot is so received the name of the voter shall be called aloud by the judge receiving the ballot, and the judge keeping the record shall immediately mark in ink the letter V. opposite the name of the person voting, which record shall be delivered to the supervisor of election at the same time the box containing the ballots is delivered to him.

Sec. 29. Immediately after the close of the polls on the day of election, the judges of election at each poll or voting place shall seal the ballot box by pasting a slip of paper on the key hole and the opening in the top thereof, on which they shall write their names. They shall forthwith elect one of their number to convey the ballot box so sealed to the office of and deliver the said ballot box and key to the supervisor of elections for the county. Who

shall keep his office open for the purpose of receiving the same from the hour of the close of the election until all the ballot boxes from the several polls or voting places have been received and counted. The supervisor of election immediately upon the receipt of said ballot-boxes shall note condition and the state of the strip of paper pasted on the key hole and opening in the top thereof, and shall, in the presence of such judge of election for the poll or voting place as may so desire, open the ballot box, open the ballot box and count the ballots therein and make a list of all the names of the persons and offices voted for on separate sheets of paper, the number of votes for each person, the number of ballots in the box, and the number of ballots rejected, the persons voted for on such rejected ballots, and the reason for such rejection; said statement shall be made in triplicate, and each copy thereof shall be certified to by such judge of election of the poll or voting place as may be present during the canvass of the vote, and by the supervisor of election.

Sec. 30. Whenever two or more ballots are found folded together in the ballot box, the ballots so folded together shall not be counted by the supervisor or included in the regular returns of the election.

Sec. 31. All ballots cast, on which appear the correct initial or initials of the christian or given name or names, or any authorized abbreviation of the same, of the person voted for, shall be deemed good and valid and shall not fail to be counted and included in the returns of any supervisor, for the person for whom the same were cast.

Sec. 32. If on counting the ballots cast at any poll or voting place, it shall appear that there are more ballots than there are names of persons marked on the

poll book as having voted at such poll or voting place it shall be the duty of the supervisor to replace in the ballot-box as many ballots of each different kind voted as there appear ballots in excess of the persons voting, and after shaking said box so as to mix the same, the judges shall in turn draw out one ballot, until the number in excess of the persons so voting shall have been drawn out, and the ballot so drawn out shall not be counted by said supervisor but the same shall be included in the returns of votes rejected by said supervisor in accordance with this act.

Sec. 33. As soon as the supervisor of election shall have made the statement for each poll or voting precinct in his county, and it shall have been certified to as herein before provided for, said supervisor of elections shall inclose, in an envelope of strong paper or cloth securely sealed one copy of such statement of each person and office voted for from each poll or voting place, and a copy of the list of persons voting at such poll or voting place, one copy of the list of persons voted for which have been rejected and the reason for such rejection, and shall send such package by mail, properly and plainly addressed to the president of the state board of canvassers; and said supervisor shall also send a duplicate copy of said statement to the secretary of the state board of canvassers by the next most safe and speedy mode of conveyance, and shall retain the third in his own possession.

Mode of voting.

Sec. 34. The mode of voting at all general and other elections, authorized by the constitution and laws of this state shall be by ballot; any qualified voter shall be allowed to vote at any one poll or voting place within the county in which he resides.

Sec. 35. Whenever any person shall offer to vote at any election in this state, it shall be the duty of one of the judges to write the name of each

person or offering to vote, in a book to be provided for that purpose, which shall constitute the registration of voters required by the constitution Provided, that if either of the judges have reason to believe that such person so offering to vote is disqualified by the constitution of the state from registering or voting, he may administer, in substance, to such person the following oath or affirmation, to-wit: "You do solemnly swear (or affirm) that you have been a citizen of the state of Arkansas for six months, and of the county of ---- ten days next preceding the day of election, and that you are not disqualified from registering and voting by the constitution or laws of the United States, or the constitution and laws of the State of Arkansas, so help you God." And if such person shall take such oath his name shall be entered in said book.

Sec. 36. It shall be the duty of the judges of election to receive the ballots from the hand of every voter as soon as his name is registered, as provided in the preceding section, and to deposit the same in the ballot box provided for that purpose, without opening, examining or in any way inspecting the names written or printed thereon, in the convenient view of the voter himself.

Sec. 37. Any judge of election who examines or inspects the ballot of any voter, or shall receive a ballot from the hands of any person other than the voter, or any person who shall take a ballot from the hands of any voter for the purpose of handing the same to a judge of election, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined for each offence, not less than ten dollars nor more than one hundred dollars.

Sec. 38. Any judge of election who shall see any person attempting to pass the ballot of any voter other than his own, shall forthwith order the arrest,

of each person and have him away from the polls, and kept under guard until the close of the same.

Sec. 39. The names of all persons voted for by each voter and the offices for which they are voted for, shall be accurately specified, and shall be written or printed on plain white paper and on one ticket; each ticket may have written or printed at the top there of the name or designation of the party to which the person named thereon belong, and any device to enable those voters who cannot read to distinguish the same from other tickets, the back of each ticket shall be perfectly plain, so that when the same is folded, no mark, number or device shall be visible.

State Board of Canvassers - Their duty, etc.

Sec. 40. The Governor, Lieutenant Governor, Secretary of State, President pro tem of the Senate, and Speaker of the House of Representatives, shall be the State Board of canvassers for all elections in the state, a majority of whom shall constitute a quorum and have power to make returns of all elections and transact such other business as said board may by law be authorized to do and perform. In case any vacancy occur in the board by reason of death, resignation, or otherwise said vacancy, shall be filled by appointment by the Governor.

Sec. 41. The Governor shall be president of said board of canvassers, and said board shall at its first meeting elect a secretary, who shall in addition to his other duties as prescribed by this act, keep a correct record of all the proceedings of the board.

Sec. 42. It shall be the duty of the board of canvassers to meet at such room in the city of Little Rock as shall have been previously designated by said board, on the first Monday in September, in the year one thousand eight hundred and seventy four, and every two years thereafter: and said board shall during the first week of its session, appoint

a supervisor of elections for each county in the state, who shall hold his office, and perform the duties required of him by law for the term of two years from said first Monday in September, unless sooner removed by the board. Provided that the president shall convene said board within thirty days after the passage of this act for the purpose of appointing county supervisors of election and transacting such other business as they may deem necessary not inconsistent with this act, and the supervisors so appointed shall hold their office until the first Monday ~~of~~ September eighteen hundred and seventy-four, unless sooner removed by the board.

Sec. 43. The president may convene said board at the city of Little Rock whenever he deems it necessary, by causing a notice of the time and place of meeting to be published in the local columns of at least two papers published in the city of Little Rock, for four consecutive weeks, or by causing a copy thereof to be delivered to each member of the board in person.

Sec. 44. Whenever said board of canvassers shall convene in pursuance of any of the provisions of this act, a majority of a quorum in the absence of two members may determine any and all questions that may arise, perform and all acts required by law to be done and performed by said board, may adjourn from day to day, or to any distant day, and may provide suitable rooms for the sitting of the board.

Sec. 45. The board of canvassers may remove any county supervisor of election at any meeting of the board, for such reasons as to said board may seem just and proper but a supervisor shall immediately be appointed by the board to fill the vacancy caused by such removal.

Sec 46. The board of canvassers shall

furnish all supervisors, judges of election, and other officers such books, printed blanks and instructions as may be necessary to enable said supervisors, judges and other officers to properly conduct any election, and make returns thereof; and shall cause to be printed in pamphlet form for general distribution, such number of copies of this act as the board may deem necessary.

Sec. 47. Each member of the state board of canvassers, before proceeding to canvass the vote of any election shall take and subscribe the following oath, or affirmation, before any judge of the supreme or any circuit court and file the same in the office of the secretary of state viz: "I—, do solemnly swear (or affirm) that I will faithfully and diligently perform the duties incumbent on me as a member of the state board of canvassers as prescribed by law; that I will honestly canvass and compile the statements of the county supervisors of election, that have been received and make returns of the election to the presiding officer of the Senate and Secretary of State as herein provided, and shall continue in session each judicial day until such returns have been completed, and at each meeting of the board the president shall, if a quorum be present, open the statements of the several county supervisors of election, and the said board shall from said statements, canvass and compile the returns of the election, one copy of the returns so compiled for the office of Governor, Lieutenant Governor, Secretary of State, Treasurer, Auditor, Attorney-Gene-

val. Associate Justices of the Supreme Court, Superintendent of Public Instruction, Commissioner of Public Works and Internal Improvements, Superintendent of the Penitentiary, and Prosecuting attorneys shall be sealed up and transmitted to the seat of government and directed to the presiding officer of the Senate. one copy of the returns as compiled for presidential electors, members of Congress, members of the General Assembly, and all State county and township officers, shall be filed in the office of secretary of state. One copy of the returns of the election as canvassed and compiled by the Board shall be made public by proclamation published in the several official journals and such other newspapers in the state as will publish the same, which proclamation shall set forth the names of all persons voted for, the number of legal votes cast for each person, the names of the persons who have been duly and lawfully elected, and the office to which they have been elected. The returns of the election thus made and promulgated shall be prima facie evidence in all courts of justice and before all civil officers, of the right of any person named therein to hold and exercise the office to which he shall by such return be declared elected, until said right shall be set aside after a contest according to law

Sec. 49. The board of Canvassers shall not fail or refuse to count the vote cast at any poll or voting place, by reason of any irregularities in the returns, or because the judges of the election at such poll or voting place, or the supervisor, shall have omitted to certify to the correctness of the same, as required by this act, unless said board shall have good reason to believe that such returns are fraudulent, and that said judges or supervisors failed to certify to the correctness thereof because

the same are fraudulent.

Sec. 50. Said board of canvassers may, if they deem it necessary, summon any judge or inspector to appear before them and correct any defect or error that may be discovered in any return made by said judge or inspector, or to testify in any matter pertaining to the election, counting the votes, and making returns thereof.

Sec. 51. All necessary expenses incurred by the board in carrying out any of the provisions of this act, shall be paid out of any funds in the state treasury, not otherwise appropriated, and the Auditor shall issue his warrant therefor, on vouchers approved by the board and countersigned by the president thereof, and a sufficient amount of money is hereby appropriated to pay the same.

General Assembly.

Sec 52. It shall be the duty of the secretary of state, to deliver, on the day fixed by law for the general assembly to convene, to the presiding officer of the Senate, a list of the names of such persons, as according to the returns filed in his office by the board of canvassers, shall have been elected senators and the senators whose names appear upon such list together with the senators whose term of service has not expired, and none others shall be competent to organize the Senate.

Sec. 53. It shall be the duty of the presiding officer of the Senate, on the day fixed by law for the General Assembly to convene, to take the chair at twelve o'clock M. and immediately call the Senate to order. Provided, That if the presiding officer be absent any senator may call the Senate to order, The senators holding over shall then elect one of their number secretary pro tem. who shall call the names of the senators returned elect, and those present, shall appear at the bar of the Senate and take the oath of office prescribed by the constitution after which the Senate shall proceed to effect a permanent organization.

Sec. 54. It shall be the duty of the secretary of state at twelve o'clock M. on the day fixed by law for the general assembly to convene, to proceed to the hall of the House of Representatives and call the house to order, and he shall immediately read the list of names of such persons as, according to the returns filed in his office by the board of canvassers, have been elected as representatives; after which, those present whose names have been called, and nine others shall elect a speaker and clerk pro tem, take the oath of office prescribed by the constitution, and proceed to effect a permanent organization of the House of Representatives.

Sec. 55. The presiding officer of the senate shall at 12 o'clock M. on the first Tuesday in January, next after each election for state officers, in the presence of the senators then assembled, open and publish the returns of the election for governor, Lieutenant Governor, Secretary of State, Auditor, Treasurer, Attorney General, Associate Justices of the Supreme Court, Superintendent of Public Instruction, Commissioner of Public Works and Internal Improvements, and Superintendent of the Penitentiary, as certified by the state board of canvassers, and received by him. The person having the highest number of votes for any office shall be declared elected by said presiding officer, and the same shall be entered upon the journals of the senate. Should two or more persons have the highest and equal number of votes for the same office, the two houses of the General Assembly shall meet in joint session in the hall of the House of Representatives at 12 o'clock M. on the first Tuesday next after the vote has been opened and published, as herein provided, and choose one of the persons having such equal and highest number of votes to fill the office for which they have been

voted for. Should no election be had on the day herein mentioned both houses shall meet in joint session at 12 o'clock M. on each succeeding day and ballot at least once, until an election is had, and all proceedings of the joint session shall be entered on the journals of both houses. The governor shall immediately commission all officers so declared elected in the manner provided for this section.

Presidential Electors.

Sec. 56. It shall be the duty of the governor within five days after the returns of the election for Presidential electors has been filed in the office of the secretary of state by the state board of canvassers to certify, at the expense of the state, the persons returned elected as such electors, and he shall on or before the meeting of such electors deliver to them three lists of the names of the persons so elected.

Sec 57. The electors shall meet at the seat of government on the first Wednesday in December next ensuing their election, and shall then and there give their votes for President and Vice President and shall do and perform all the duties required of them by the act of Congress in that case made and provided.

Sec 58. If said electors, or any one of them fail to attend at the seat of government by the hour of two o'clock in the afternoon of the day named in this act for electing President and Vice President of the United States then in that case the governor shall immediately appoint some suitable person or persons to fill such vacancy or vacancies

Sec. 59. Each elector for President and Vice President of the United States shall have and receive as a full compensation for his services, the sum of twenty cents for every mile traveled from his residence and return to his home, and five dollars for every day he may be engaged at the seat of government in casting the vote for

President and Vice President

Sec. 60. No Senator or Representative in Congress, or any person holding any office of trust or profit under this state or the United States shall be eligible as an elector of President and Vice President.

Miscellaneous Provisions.

Sec. 61. Any civil officer or other person who shall assume or pretend to act in any capacity as a judge or other officer of election, to receive or count votes, to receive returns or ballot boxes or to do any other act toward the holding or conducting of any election, or the making the returns thereof, in violation of, or contrary to the provisions of this act, shall be deemed guilty of a felony and upon conviction thereof shall be punished by imprisonment in the penitentiary for a term not less than one year nor more than five years, and by a fine not less than one hundred dollars nor more than five hundred dollars

Sec. 62. Any person or persons who shall obstruct, hinder, or by violence or threats of violence, abusive language or other species of intimidation interfere with a supervisor or any judge of election, or with any person or persons duly appointed to execute orders of the supervisor or any judge of election in the discharge of their duties, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not less than one hundred dollars nor more than five hundred dollars, and by imprisonment for a period not less than one month nor more than six months.

Sec. 63. Any person or persons who shall counsel, aid, connive at, abet encourage or participate, in any riots, tumults, acts of violence, intimidation, or armed disturbance, at or near the office of any supervisor of election, or any day during the continuity of the ballots and casting up

the returns, or at or near any poll or voting place on any day of election, shall be deemed guilty of a felony and on conviction thereof shall be punished by a fine not exceeding five hundred dollars nor ~~less~~ than one hundred dollars, and by imprisonment in the penitentiary for a period not less than one month nor more than one year.

Sec. 64. Any person who shall vote more than once at the same election, shall be deemed guilty of a ~~misdemeanor~~ and upon conviction thereof shall be ~~punished~~ by a fine of not more than one hundred dollars.

Sec 65. Any judge of election or other officer who shall wilfully refuse or fail to permit any person to register and vote, who will take the oath prescribed in section thirty six of this act, unless the person offering to vote is insane or an idiot, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished for each offence by a fine not to exceed one hundred dollars.

Sec. 66. Any person who shall by threats of discharge from employment, or withholding any wages or proceeds of labor, or refusal to furnish supplies or other necessaries of life, or refusal to contract with or give employment to, or procuration in business, or in any other manner, influence or attempt to influence any voter in the casting of his vote at any election, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished for each offence by a fine of not less than twenty five dollars, nor more than five hundred dollars, or by imprisonment in the county jail for not less than one month nor more than one year.

Sec. 67. Any person who shall discharge from employment any laborer employee, tenant, or mechanic, who shall have been working for such person under contract written or oral, for a spec-

ified time before such time shall have expired or who shall withhold from any laborer, employee, tenant or mechanic, all or any part of the wages or other proceeds due such laborer employee, tenant, or mechanic, or shall refuse to furnish supplies or other necessaries of life, or shall refuse to again contract with or give employment to, or shall refuse to again contract with or give employment to, or shall in any way prescribe the business of such laborer, employee, tenant, or mechanic, on account of any vote which such laborer, employee, tenant or mechanic has given or purposes to give shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished for each offence by a fine not less than twenty five dollars nor more than five hundred dollars, or by imprisonment in the county jail for not less than one month nor more than twelve months.

Sec. 68. Any person who shall by bribery or by a promise to give employment or a more advantageous contract, or higher wages to any person, or by a promise to furnish any person with supplies, goods, wares, or merchandise, at a less price or on any other terms than such person has been furnishing the same, attempt to so influence any person in casting his vote at any election, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished for each offence by a fine of not less than twenty-five dollars, nor more than five hundred dollars or by imprisonment in the county jail for not less than one month nor more than twelve months.

Sec. 69. Any person knowing that he is not a qualified elector who shall vote or attempt to vote at any election, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum

not to exceed one hundred dollars to be recovered by prosecution in any court of competent jurisdiction.

Sec. 70. Any person who shall furnish any elector, who cannot read with a ticket or ballot containing a name or manner different from what such voter has reason to believe from the device or other mark therein should be written or printed on said ticket or ballot, or shall inform such elector that it contains a name or manner different from those which are written or printed thereon, or shall fraudulently change the ticket or ballot of any voter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined for each offence in any sum not less than twenty five dollars nor more than one hundred dollars or be imprisoned in the county jail for not less than one month nor more than six months.

Sec. 71. Any person who shall, by menace willful false, bribe, or other corrupt means directly or indirectly attempt to influence any voter, at any election, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, and by imprisonment in the county jail for not less than one month nor more than six months.

Sec. 72. Any person who shall advise aid or abet any one, not legally qualified to vote, or to attempt to vote, at any election, shall upon conviction be fined for each offence in any sum not more than one hundred dollars.

Sec. 73. Any supervisor, judge, or other officer of elections, or any member of the state board of canvassers, or other officer, who shall knowingly fail or neglect to perform, or shall perform in any other manner any of the duties required by

this act or to be performed by such supervisor, judge, or other officer of election, or any member of the state board of canvassers, or other officer, where the penalty is not herein otherwise expressly set forth for such failure or neglect, shall be deemed guilty of a misdemeanor, and upon conviction thereof in a court of competent jurisdiction, shall be fined in any sum not less than five hundred dollars nor more than five thousand dollars.

Sec. 74. Any person who shall be drunk or disorderly at any poll or voting place during an election, shall be deemed guilty of a misdemeanor, and upon conviction thereof, in any court of competent jurisdiction, shall be fined in any sum not less than ten nor more than one hundred dollars, or be imprisoned in the county jail not to exceed thirty days, at the discretion of the court trying the same.

Sec. 75. Any person who shall molest, interrupt, or disturb any meeting of citizens assembled to transact or discuss political matters, shall be deemed guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction, shall be fined in any sum not less than twenty five dollars nor more than five hundred dollars, or be imprisoned, in the county jail not less than one month nor more than six months.

Sec. 76. Any person who shall, in case where any oath or affirmation shall be administered by any judge of election in the performance of his duties prescribed by this act, falsely swear or affirm in the premises shall be deemed guilty of perjury, and subject to the penalties provided by law for perjury.

Sec. 77. Any person who shall carry any gun, pistol, bowie knife or other dangerous weapon concealed or unconcealed, on any day of election during the hours the polls are open within a distance of one

vide of any place of voting, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished for each offence by a fine of not less than ten dollars nor more than one hundred dollars, or by imprisonment in the county jail for not less than one month nor more than six months Provided, that the provisions of this section shall not apply to any supervisor, judge, or other officer of election, or any sheriff, constable, police officer, or other person, authorized to preserve the peace on days of election.

Sec. 78. Any person who shall, on the day of any election, keep open any drinking saloon, dramshop, groggery, or place where liquor is sold by retail or who shall give, sell, or barter, any spirituous or intoxicating liquors, to any person, or place the same, where any person can have access thereto, in any county in this state, shall be deemed guilty of a misdemeanor, and upon conviction thereof for each offence, shall be fined in a sum not less than Twenty five dollars nor more than five hundred dollars, and be imprisoned, in the county jail not less than one month nor more than six months and it shall be the duty of every judge, sheriff, constable, police, or other officer, to immediately arrest any person violating the provisions of this section, and to close, lock, and keep possession of the saloon grocery, or other place, so violating the provisions of this section, until ordered to turn the same over to the owner thereof by the court, before whom the offender or offenders may be tried.

Sec. 79. Any clerk of a court who shall affix the seal of office to any naturalization paper, or permit the same to be affixed, or give out, or cause, or permit the same to be given out in blank, whereby it may be fraudulently used; or furnish a naturalization certificate to any person who shall not have been duly examined and sworn in open court in presence of

ence of the judges thereof, according to the act of Congress, or shall aid in, connive at, or in any way permit the issue of fraudulent naturalization certificates, shall be deemed guilty of a misdemeanor; and if any person shall fraudulently use any such certificate of naturalization, knowing it to have been fraudulently issued, or shall vote, or attempt to vote thereon, or if any one shall vote or attempt to vote on any certificate of naturalization not issued to him, he shall be guilty of a misdemeanor, and any of the persons, their aiders or abettors, guilty of either of the misdemeanors aforesaid, shall on conviction thereof in a court of competent jurisdiction, be fined for each offence in any sum not less than twenty-five dollars nor more than five hundred dollars.

Sec. 80. Any person who shall, on oath or affirmation, in or before any court in the state, or office authorized to administer oaths, procure or attempt to procure a certificate of naturalization for himself, or any other person, by willfully deposing or affirming any matter to be a fact, knowing the same to be false, or shall in like manner deny any matter to be a fact knowing the same to be true, shall be deemed guilty of perjury, and subject to the penalties imposed by law therefor and any certificate of naturalization issued in pursuance of any such deposition or affirmation, shall be null and void and it shall be the duty of the court issuing the same, upon proof being made before it that it was fraudulently obtained, to take immediate measures for recalling the same for cancellation, and any person who shall vote, or attempt to vote, on any paper so obtained, or who shall in any way aid in, connive at, or have any agency in the issue, circulation, or use of any fraudulent naturalization certif-

vicate, shall be deemed guilty of a misdemeanor and upon conviction shall be fined for each offence in any sum not less than twenty-five dollars nor more than one hundred dollars, or be imprisoned in the county jail for not less than one month nor more than three months, or both at the discretion of the court trying the same.

Sec. 81. It shall be the duty of all circuit judges in the state to give this act specially in charge to each grand jury.

Sec 82. Each member of the state board of canvassers who is not paid a regular salary by the state shall receive the sum of five dollars ~~for each~~ day he may actually be engaged in discharging the duties required of him by this act. Each member shall also receive the sum of ten cents for every mile traveled from his residence to attend any session of the board and returning home, and in performing any duty ordered by said board: the same to be paid out of the state treasury, and it shall be the duty of the Auditor to draw his warrant upon the treasurer for the same upon order of the board.

Sec. 83. Each supervisor of elections, shall be entitled to the sum of three dollars for each day he may be actually employed in the discharge of ~~his~~ duties imposed on him by this act, the same to be paid out of the county treasury in the same manner that other dues against the county are paid.

Sec. 84. Each person appointed by the judges of election to preserve the peace, on any day of election shall be entitled to the sum of three dollars, to be paid out of the County Treasury in the same manner as other accounts against the county are paid.

Sec. 85. Each judge of election shall receive as compensation the sum of three dollars for each day he is actually employed in the discharge of the duties of his office, for which he shall file an account with the county clerk verified by his affidavit, which account

shall be examined by the board of supervisors and if found correct shall be by them allowed and the clerk ordered to issue his warrant upon the treasurer for the amount herein named.

Contested Elections.

Sec. 86. All contested elections of Governor Lieutenant Governor, Secretary of State, Auditor, Treasurer, Attorney General, Associate Justices of the Supreme Court, Superintendent of Public Instruction, Commissioner of Public Works and Internal Improvements, Superintendent of the Penitentiary, and all other election state officers that are now or may hereafter be provided for by law, shall be determined by the concurrent vote of both houses of the General Assembly, at the first session of said General Assembly after any election has been held for said officers.

Sec. 87. If any person contest the election of Governor, Lieutenant Governor, Secretary of State, Auditor, Treasurer, Attorney General, Associate Justices of the Supreme Court, Superintendent of Public Instruction, Commissioner of Public Works and Internal Improvements, Superintendent of the Penitentiary, or any other election state officer, he shall present his petition to each house of the General Assembly, within twenty days after the same has commenced, setting forth the points on which he will contest the same and the facts which he will prove in support of such points, and shall pray for leave to introduce his proof; and a vote shall be taken by yeas and nays in each house whether the prayer shall be granted. If a majority of voters in each house shall be in the affirmation, they shall appoint a joint committee to take the testimony on the part of the petitioner, and also on the part of the person whose place is contested, with power to send for witnesses, who may issue warrants under the hand of the chairman, to any judge justice of the peace or examiner to take

the depositions of witnesses, at such time and place as the warrant shall direct; and the points to which the testimony shall be set forth in such warrant.

Sec. 88. Reasonable notice shall be given by the party in whose favor depositions shall be allowed to be taken, to the opposite party, of the time and place of taking the same; and the judge, justice, or examiner shall proceed in all things, in the attendance of witnesses, and in taking and certifying the testimony as is directed in the preceding section.

Sec. 89. The party shall also be allowed to attend the examination of witnesses before the examiner and to cross-examine them, but no testimony shall be taken except in relation to the points set forth in the petition. The committee shall report the facts to the two houses and the two houses shall separately decide the case, which decision shall be taken by the yeas and nays and entered on the journals of the two houses respectively, and in case the two houses disagree then the contestants shall be deemed to have failed in this contest and the contestee shall be declared to be duly elected, and shall remain in full and free possession of his office during the term for which he was elected, and no other contest shall be entertained by the General Assembly in behalf of such contestant.

Sec. 90. If a majority of the votes in either or both of the houses, on the question of granting the prayer of the petitioner, shall be in the negative, the contestee shall remain in full and free possession of his office during the term for which he was elected, and the petition of the contestant shall not be again considered by either house of the same or any subsequent General Assembly.

Sec. 91. If any candidate of the proper district contests the election of any person returned duly elected to the State Senate or House of Representatives, by the state board

of canvasers, such person shall give notice thereof, in writing, to the person whose election he contests, or leave a written notice thereof at the house where such person last resided, within twenty days after the date of the first publication of the proclamation of the board of canvassers. provided for in section — of this act; said notice shall set forth the points on which the same will be contested, and the name of the justice of the peace or examiner who will attend to the taking of the depositions, and when and where said justice or examiner will attend to take the same, which time shall not exceed thirty days from the date of the first publication of said proclamation, and said justice or examiner shall issue subpoenas to all persons required by either party, commanding such persons to appear and give testimony at the time and place therein named, and if any person so summoned shall fail to attend, his attendance may be compelled by attachment.

Sec. 92. No testimony shall be received on the part of the person contesting the election by the justice or examiner which does not relate to the points specified in the notice a copy of which notice, attested by the person who delivered or served the same, shall be delivered to the justice or examiner and shall be by him transmitted with the depositions.

Sec. 93. The justice or examiner shall hear and certify all testimony relating to such election, to the president of the Senate if the contest is for a seat in the Senate; and if for a seat in the House of Representatives, then to the Speaker of the House of Representatives, and the same shall be laid before the proper house by said president or speaker, as the case may be.

Sec 94. When the election of any clerk sheriff, assessor, coroner, county Treasurer surveyor, Justice of the peace, Constable

or other county or township officer be contested, it shall be before the circuit court, in and for the county in which the contestee resides, and the person contesting any such election, shall within thirty days after the first publication of the proclamation of the board of canvassers declaring who has been elected, give to the contestee notice, in writing, specifying the grounds on which he intends to rely; and if any objection be made to the qualifications of voters, the names of such voters, with the objection, shall be stated in the notice.

Sec. 95. Either party may, on giving notice thereof to the other, of the time and place take depositions, before a justice of the peace to be read in evidence on the trial, and the court shall, at the first term thereof after the expiration of thirty days from the date of service of the notice of contest in a summary way determine the cause according to evidence.

Sec. 96. If the court shall be of the opinion that the person returned elected by the board of canvassers, is not duly elected, and that the person contesting is elected, an order shall be entered upon that effect, and a copy thereof shall forthwith be transmitted to the Governor who shall commission the person declared duly elected by such order, and if the person returned elected shall have been commissioned previous to the making of the order annulling his election, it shall be the duty of the Governor to cancel such person to be entitled that his commission is revoked; Provided, that either party shall have the right to an appeal to the Supreme Court, from all final rules and judgments of the court trying the cause.

Sec. 97. In case the election of Presidential electors or any one of them contesting it shall be decided by the judges of the Supreme court.

Sec 98. All acts and parts of acts relating to, in any manner regulating

and governing the manner of holding elections in this state, and making returns thereof and all laws and parts of laws in conflict with this act are hereby repealed, and this act shall take effect and be in full force and effect from and after its passage.

Mr. Kent moved that the House do not concur in the Senate amendments.

Mr. Warwick moved the further consideration of the subject be postponed and made special order for 11 o'clock and 30 minutes A. M. on the morrow.

Which was not agreed to.

Mr. J. H. Berry moved that the further consideration of the subject be postponed until 11 o'clock A. M. of Tuesday, April 22, 1873.

Which was not agreed to.

The question recurring on the motion that the House do not concur in the Senate amendments.

Mr. J. H. Johnson moved the previous question which was seconded and under the operation thereof the motion was agreed to.

Mr. Warwick from the Committee of Ways and Means, to whom was referred the bill of the House, together with a substitute therefor (H. R. 124) entitled An act to authorize county courts to fund outstanding warrants when there is no money in the treasury to pay the same, reported the same and recommended a substitute therefor, entitled An act, to authorize certain counties to fund their outstanding indebtedness.

The report of the committee was adopted and the substitute was accordingly adopted in lieu of the original bill.

And,

On motion of Mr. Corbell,

The bill was read a third time and placed upon its passage.

Pending the reading of the bill.

The hour of 10 o'clock and 45 minutes A.M. having arrived being the hour set for the consideration of the bill of the House (H.R. 348) entitled An act amendatory of and supplementary to an act entitled An act to provide for clerks of circuit courts in certain counties and define their duties.

On motion of Mr. Burt

The consideration of the special order was postponed for the purpose of considering and disposing of the pending Hymn.

A message from the Senate by Mr. Orwick, their secretary:-

Senate Chamber. April 7, 1873.

Mr. Speaker: I am instructed by the Senate to inform your honorable body that the Senate have concurred in House amendments to (S.B. 159) entitled "An act to amend sec. (8) of an act to amend an act entitled an act providing for the building and repairing of the public levees of this state, approved March 23, 1871. and herewith return the same.

The House having resumed consideration of the substitute for the bill of the House (Sub. H.R. 124) entitled An act to authorize certain counties to fund their outstanding indebtedness.

And,

The reading of the bill being concluded,

Mr. J. M. Murphy, moved the previous question, which was seconded and the main question ordered. viz: Shall the bill pass?

The question being put,

It was decided in the affirmative, — yeas 48, nays 19. not voting 15.

Those who voted in the affirmative are:-

Messrs.

Berry, C. E.
Berry, L. H.
Brown, Segal
Brown, Chas. F.
Beasley.
Brideuthal,

Messrs.

Murphy, Wm.
McLeod,
Marshall,
McGehee,
McGlew.
Mitchell

Messrs.

Chapline.
Cgbell.
Coit.
Copeland.
Chandler.
Chapman.
Conley.
Dare.
Fox.
Gist.
Hankins. A. M.
Hankins. Mann
Harris.
Jorlyn.
Johnson, Adam
Johnson, J. M.
Joyner.
Murphy, J. M.

Those who voted in the negative are:-

Messrs.

Cunningham.
Ervin.
Eagle.
Furbush.
Foster.
Gorrell.
Grissom.
Harley.
Keith.
Lynn.

Those absent or not voting are:-

Messrs.

Beardsley.
Cleveland.
Cate.
Gilbreath.
Hankins. O. S.
Hynds.
Kingston.

Messrs.

Nunn
Proctor.
Rawlins.
Sasser.
Shipley.
Shappard.
Spears.
Stephenson.
Shepperson
Slymy.
Sutherlin.
Stewart.
Turner.
Warwick.
White.
Williams.
Wright.
The Speaker.

Messrs.

Latta.
Merritt.
McVeigh.
Mahoney.
Pindall.
Reid.
Robinson.
Thurman.
Walker

Messrs.

Lee.
Page.
Parrish.
Robertson.
Thorn.
Thornbury.
Trent.
Tillar.

So the bill was passed.

Pending the vote.

Mr. Kent (when his name was called) sent to the clerk's desk the following explanation of his vote, viz:—

Because the law under which the scrip was issued allowed only six per cent interest, while this act proposes to pay eight per cent; because the law under which this scrip was issued authorized county scrip to be received for all county taxes, yet this bill prohibits the payment of a portion of the county tax in scrip but makes it obligatory to pay a portion of the county tax in U. S. currency; because while the holders of county scrip will receive not only principal but interest in U. S. currency, the large deficiency between the value of scrip and currency will be a burden upon the people, I vote no.

The vote was then announced as above.

Mr. Chapline moved that the vote last taken be reconsidered and also moved that the motion to reconsider be laid on the table; which latter motion was agreed to.

The House proceeded to consider the special order postponed pending the consideration of the hour till, being the consideration of the bill of the House (H. R. 348) entitled "An act amendatory of and supplementary to an act entitled an act to provide for clerks of circuit courts in certain counties and define their duties."

Which was read a third time and placed upon its passage.

Mr. Chapline moved the previous question which was seconded and the main question ordered, viz: Shall the bill pass?

The question being put,

It was decided in the affirmative, yeas 38, nays 28, not voting 16.

Those who voted in the affirmative:—

Messrs.

Berry, C. E. Johnson, L. H.

Messrs.

Brown, Saml
Brown, Chas. F.
Chaplin.
Corbell,
Cleveland.
Cox,
Copeland.
Davis.
Ennis,
Fox,
Fairbrush,
Gilbraith,
Hawkins. A. M.
Hawkins. O. S.
Hawkins. Thomas
Harris.
Irby.
Johnson, Adam.

Those who voted in the negative are:-

Messrs.

Berry, J. H.
Beasley,
Bridenthal.
Chandler.
Chapman,
Cunningham,
Eagle.
Foster,
Frost,
Hynds,
Harley,
Joyner,
Lynn,
Latta.

Those absent or not voting are:-

Messrs.

Beardsley,
Crowley,
Cate,
Cornett,
Crissom,

Messrs.

Kent,
Murphy, J. M.
Murphy, Thos,
McLeod,
Marshall.
Mullen.
Nunn,
Page,
Rawlins.
Robinson,
Sasser,
Shipley,
Speed.
Stephenson.
Shepherd,
Story,
Sumner,
Williams.

Messrs.

McGehee.
McVeigh.
Matheny.
Mitchell
Preston,
Pindall,
Reid,
Thomas,
Tillman.
Tillar.
Thornberry.
White.
Walker,
Wright,

Messrs.

Parrish.
Robertson,
Sheppard,
Sumpter,
Stewart,

Messrs. Messrs.
Kingston. Warwick.
Lee. Wheat.
Meredith The Speaker.
So the bill was passed.

Mr. Bott moved that the vote last taken be reconsidered. and also moved that the motion to reconsider be laid on the table; which latter motion was agreed to.

A message from his Excellency the Governor by Mr. McChesney his private secretary, who by unanimous consent read the same as follows, viz:-

Executive Department, Arkansas,
Little Rock. April 18th 1873.
To the House of Representatives of Arkansas:
Gentlemen: I have signed and approved House Bill entitled "An act to establish and organize the county of Dorsey" also House Bill entitled "An act to create the county of Howard and for other purposes" also House Bill entitled "An act to pay registrars for making the special registration in the year 1873", also House Bill entitled "An act to define and establish the boundary line between the counties of Prairie and White," also House bill entitled "An act to repeal the first clause of the first proviso of the fourteenth section of an act approved January 1st 1861, entitled an act for the incorporation of the city of Augusta as amended by an act approved March 20th 1867, entitled An act to amend the fourteenth section of an act approved January 1st, 1861, entitled an act for the corporation of the city of Augusta." also a memorial of the General Assembly of Arkansas to the Congress of the United States praying an increase of mail service on routes No. 7309 in the state of Arkansas, all of which are herewith returned.

Elisha Baxter
Governor of Arkansas.

Mr. Warwick from the Committee of Ways and Means to whom was referred the veto

bills in relation to the revenue of the state of Ala-
ama reported the same recommending a sub-
stitute therefor (Sub. H. R. 29. 41. 48 and other House
bills) entitled An act regulating the assessment
and collection of revenue and also submitted the
following report thereon, which was read, viz:-

Mr. Speaker:- The Committee of Ways and
Means, to whom was referred house bills No. 29. 41.
48. 113. 166. 172. 200. 222. and 237. suggesting vari-
ous amendments to the general revenue law of the
state, have had the same under consideration
and recommend that they do not pass.

The committee herewith report a bill as
a substitute for all of said bills and recommend
its passage.

All bills of the House and Senate, looking
toward amendments to the revenue law,
have been considered jointly by the Senate com-
mittee on Finance, and the House Commit-
tee of Ways and Means, and the substitute
bill herewith reported fully considered by the
two committees in a joint session, and by
them concurred in.

The general policy of the law is not by
this bill materially changed. By the bill as
reported, the assessments on real estate are
to be made every four years. It is believed
by the committees that the expense attending the
frequent assessment of realty, will thus com-
ter balance the increase of revenue by aug-
mentation of the assessment.

The penalty of fifty per centum attaching
to delinquent lands is by this bill reduced to
twenty five per centum!

The time for the collection of taxes is ex-
tended to the 20th of April.

Section 116 of acts of 1871, is amended by this
bill in sec. 117 (of the bill) so as to provide that any
person redeeming land sold for non-payment
of taxes may do so by paying 100 per centum
penalty on taxes, costs &c for which the land
was sold, and in the event that the land sold

for more than taxes &c. ten per cent interest on the surplus.

Section 112 of the acts of 1871 providing for the publication of delinquent personal lists is omitted it being the opinion of the committee, that the tax this delinquent does not pay for the cost of advertising.

Section 127. act of 1871 is amended by 128 of the bill, by adding a proviso, as follows "That all the lands so sold to the state of one entire range in the county, shall be described and included in one deed, and the clerk call receive five dollars for each deed.

Section 128 of acts 1871 is omitted, and a new section inserted (being 129 of this bill) dispensing with the auditors sale, and transferring the lands to the state land office to be sold as other lands, at a graded price fixed in the section. It is believed that this will save to the state a large sum of money annually, and the interests of the state be equally well cared for.

The fee of five dollars allowed clerks for making deeds to individuals by section 133 of acts 1871 are reduced to $2.00 by 134 of the bill.

The fees allowed clerks by section 184 of acts 1871, are by this bill in section 194 reduced one third.

The fee of four per cent allowed collectors by acts 1871, sec. 185. are reduced in section 195 to three per cent, and the fee of 50 cts for each tract offered for sale reduced to 25 cts.

The fees allowed assessors by the bill are 3 per cent on the first $25.000 of the aggregate taxes levied upon property assessed by the assessor the year such tax is levied, 2½ per cent on the taxes levied between $25.000, and $50.000, and 2 per cent on the taxes levied on $50.000 (see section 196).

After the first of January 1874 notice of the delinquent tax sale is to be made in some newspaper published in the county, if one be published there (See section 113.)

Appeals are allowed from levies of taxes, on certain conditions set forth in section 191.

Clerks are required in all cases where practical to describe lands in not less than 160 acre tracts (section 140)

The committees have carefully considered the financial embarassments of the state, there being a deficiency in the ordinary revenue of the state of about $500,000. This deficiency has grown in the past few years to this diminution from extraordinary expenses and appropriations for the Deaf Mute Institute, the Blind Asylum expenses of Militia, &c. The depreciation of the securities of the state is a constantly increasing source of expense to the state, compelling her to pay two and three times the price of any article purchased. All agree that something must be done to retire the state to a sound financial condition. The committees know of but two ways by which money can be raised to supply the deficiency: one by the sale or hypothecation of the lands of the state, and the other by direct taxation. It is doubtful whether the lands of this state could now be sold for more than 33 to 35 cents on the dollar. The sale of two million dollars of lands, would at this rate realize not more than $660,000; while this would relieve the state of her temporary embarrassments, the permanent debt of the state would be largely increased, and of necessity a permanent increase of taxes of 1½ or 2 mills levied to meet the interest on these bonds.

The committee conceive that by an increase of the rate of taxation of 3 mills for one year, this floating debt can be absorbed, and the deficiency provided for. If this be true it is their opinion that direct taxation will be economy. The aggregate of the present rate levied for state purposes is 9½ mills. The committees recommend the next regular levy be, for defraying the general

expenses to 10 mills on the dollar for paying interest on public debt 2½ mills a total of 12½ mills and that thereafter the levy be 7 and 2½ mills respectively.

For this purpose the committee have left a blank in section 152, which they recommend be filled by inserting the word "ten" after 1873, and if this levy be made the committee recommend that no deficiency bond bill pass

The report of the committee was adopted and the substitute was accordingly adopted in lieu of the other bills.

Mr. Latta moved that the further consideration of the substitute bill be postponed and made special order for 11 o'clock A. M. of Monday, April 21, 1873.

Mr. Warwick moved as an amendment that the bill be made special order for 3 o'clock P. M. in the Committee of the Whole House.

Which latter motion was agreed to.

On motion of Mr. Latta.

The House proceeded to consider the bill of the House (H. R. 227) entitled An act defining the power and regulating the duties of guardians, curators and wards, together with the senate amendment thereto, viz: That the bill be amended by striking out in section 5, line 2 the word "father", and inserting in lieu thereof the words "surviving parent."

Mr. Latta moved that the House concur in the Senate amendment.

Mr. Corbell moved the previous question, which was seconded and the main question ordered, viz: Shall the House concur in the Senate Amendments?

The question being put.

It was decided in the affirmative, — yeas 57, nays 2, not voting 23.

Those who voted in the affirmative are:—

Messrs.

Berry, G. E.
Berry, J. A.

Messrs.

Latta,
Murphy, J. M.

Messrs.

Bridenthal.
Chapline.
Corbell.
Cleveland.
Copeland.
Chandler.
Chapman.
Crowley.
Cunningham.
Dane.
Eagle.
Fox.
Funbush.
Foster.
Gist.
Gilbreath.
Gozzett.
Gyzeen
Hankins. Mercer
Harris.
Hynds.
Joslyn.
Johnson. Adam
Johnson. J. H.
Kent.
Lee.
Lynn.

Those who voted in the negative are:-

Messrs.

Joynes.

Those absent or not voting are:-

Messrs.

Beardsley.
Brown Paul
Brown. Chas. F.
Bagley.
Byrd.
Cate.
Ervin.
Hankins. A. M.
Hankins. O. S.

Messrs.

Humphry. Wm.
Mc Lord.
Merritt.
McVeigh.
Matheny.
Mitchell.
Nunn.
Page.
Preston.
Pyndall.
Rawlins.
Robinson.
Shipley.
Shapland.
Spears.
Stephenson.
Shepperson.
Styng.
Sumpter
Stewart.
Symms.
White.
Walker.
Williams.
Wright.
The Speaker.

Messrs.

Reid.

Messrs.

Mcclenee.
Mcllen.
Parrish.
Robertson.
Sauer.
Turner.
Thompson.
Tillar.
Thornburg.

Messrs.

Hanley,
Kingston,
Marshall,

Messrs.

Warwick.
Wheat.

So the Senate amendment was concurred in.

Mr. Jordan, in accordance with previous notice, moved that the vote be reconsidered by which the House rejected the bill of the House (H. R. 141) entitled An act for the relief of S. L. Coleman.

Which was not agreed to.

Mr. Cabell, at 11 o'clock and 31 minutes A. M., moved that the House take a recess until 3 o'clock P. M.

Which was not agreed to.

Mr. Turner from the Committee on Internal Improvements to whom was referred the substitute for the bill of the Senate (Sub. S. 67) entitled An act to make an appropriation to improve the Petit Jean river from its confluence with the Arkansas river to Dardanelle, reported the same and recommended its passage.

Then,

On motion of Mr. Warwick,

The House at 11 o'clock and 35 minutes P. M. took a recess until 3 o'clock P. M.

¶ After the Recess ¶ The House met at 3 o'clock. P. M.

The roll being called it appeared that the following named members were present and answered to their names, viz:-

Messrs. C. C. Berry, J. M. Berry, Neal Bunn, Chas. F. Bonn, Bradley, Brickenthal, Cleveland, Levit, Copeland, Chandler, Chapman, Conley, Cunningham, Dane, Ennis, Eagle, Fitz, Finburgh, Foster, Gist, Gilbreath, Lincoln, Lisenn, Monroe Hankins, Haynes, Hanley, Jordan, Dylan Johnson, J. M. Johnson, Kent, Lyon, Latta, J. M. Murphy, Wm. Murphy, McCord, McIntyre, Merritt, Mullen, Mahoney, Mitchell, Nunn, Page, Preston, Pindall, Rawlins, Reid, Robinson, Sorter, Shipley, Sharpard, Speers, Stephenson, Shepherd, Story, Sumpter, Stewart, Turner, Thomas, Thurman, Thornberry, Warwick, White,

Walker, Williams, Wright, The Speaker.

Mr. Thorn presented as a privileged question, a petition from the Hon. Joseph Brooks, asking that he be granted the privilege by the General Assembly, of taking testimony in a contest for the office of Governor of the state, and, also, moved that the prayer of the petitioner be granted.

Mr. J. H. Johnson made the point of order that the subject was not a privileged question.

The Speaker ruled the point of order not well taken,

Mr. Fox appealed from the decision of the chair.

The question being put, Shall the decision of the chair be sustained?

It was decided in the negative, — year 29, nays 26, not voting 17.

The ayes and nays being demanded by the Speaker.

Those who voted in the affirmative are:-

Messrs.

Berry, C. E.,
Berry, J. H.,
Bibbin, Paul
Beasley,
Biddlestal,
Chandler,
Crowley,
Cunningham,
Fiske,
Gist,
Gilbreath,
Jarrett,
Reynolds,
Harley,
Lynch,

Messrs.

Miller,
Mayberry,
Mitchell,
Nunn,
Preston,
Pindall,
Sayles,
Shrigley,
Sharpstein,
Speers,
Stephenson,
Strong,
Trimble,
Thorn.

Those who voted in the negative are:-

Messrs.

Bunn, Chas. F.,
Cleveland,

Messrs.

Murphy Wm.,
McClord,

Messrs.

Britt,
Copeland,
Chapman,
Dane,
Erwin,
Eagle,
Fox,
Fairbrush,
Grisam,
Hankins, Turner
Jordyn,
Johnson, Adam
Johnson, J. H.
Kent,
Latta,
Murphy, J. M.
Those absent or not voting are:-

Messrs.

Beardsley,
Chapline,
Cornell,
Cate,
Hankins, A. M.
Hankins, O. S.
Harris,
Joyner,
Kingston,

Messrs.

Mechenen,
Merritt,
Page,
Rawlins,
Reid,
Robinson
Shepperson,
Sumpter,
Stewart,
Thurman,
Thornbury,
Warwick,
White,
Walker,
Williams
Wright,

So the House refused to sustain the decision of the chair.

On motion of Mr. J. H. Johnson
The House resolved itself into the Committee of the Whole House for the purpose of considering the special order set for 3 o'clock P. M. being the consideration of the substitute for the bills of the House (Sub. H. R. 29, 41, 48, and other House bills) entitled An act regulating the assessment and collection of revenue,

After some time spent therein,
The Speaker resumed the chair,
And,

Those absent or not voting are:-

Messrs.

Lee,
Marshall,
McVeigh,
Parish,
Robertson,
Silgar,
Wheat,
The Speaker

Mr. J. M. Johnson reported that the committee having according to order had under consideration the substitute for the bills of the House (Sub. H. R. 29, 41, 48, and other House bills) entitled An act regulating the assessment and collection of revenue, reported the same and recommended that two-hundred and fifty copies be printed for the use of the ~~Ethereal~~ Assembly.

29-41-48

Mr. Gill arose and moved that the report of the committee be adopted.

Mr. J. M. Murphy moved the previous question which was seconded and under the operation thereof the motion was agreed to,

By unanimous consent,

Mr. McGehee moved that the clerk be instructed in the event the Public Printer can not have the bill, printed and delivered by Monday morning at 8 o'clock to employ any other printer in the city who will contract to have the work done by that time, and that the printed bills be laid upon members desks by 9 o'clock A. M. of Monday next,

Mr. A. M. Hankins, at 4 o'clock and 40 minutes P. M., moved that the House adjourn.

Which was not agreed to,

The question being on the motion offered by Mr. McGehee.

Mr. Reid moved to amend by striking out the word "Monday" and inserting in lieu thereof the word "Sunday."

Which was not agreed to.

Under the operation of the previous question, the original motion was then agreed to.

And then,

On motion of Mr. Robinson,

The House at 4 o'clock and 41 minutes P. M., ad-

journal.

Approved

Examined by Speaker.

Attest

Henry McCann Clerk.

Saturday, April 19, 1873.

The roll being called it appeared that the following named members were present and answered to their names, viz:-

Messrs. J. H. Bass, Chas. F. Bonn, Beasley, Bridenthal, Chapline, Corbell, Cleveland, Cox, Copeland, Chandler, Chapman, Crowley, Cunningham, Davis, Ennis, Fox, Foster, Gist, Gilbreath, Gossett, Grissom, A. M. Hankins, O. S. Hankins, Monroe Hankins, Harris, Hynds, Harley, Jarlyn, Adams Johnson, J. H. Johnson, Joyner, Kent, Lee, Lynn, Latta, Winn, Murphy, McLeod, Marshall, McGehee, Merritt, Miller, McVeigh, Matheny, Mitchell, Nunn, Page, Preston, Pindall, Rankin, Reid, Robertson, Robinson, Shapard, Spear, Stephenson, Shepperson, Stamp, Sumpter, Stewart, Thomann, Tillar, Thornburg, Warnick, White, Wheat, Walker, Williams, Wright, The Speaker.

The journal of Friday was read, Pending which

Mr. Fox moved that that portion of the journal of the preceding day concerning the appeal from the decision of the chair on the presentation of the petition of the Hon. Joseph Brooks, asking that he be granted the privilege, by the General Assembly, of taking testimony in a contest for the office of Governor of the State, be so amended as to read:

"Mr. Fox made the point of order that the "question presented by Mr. Thomas was not "such a privileged question as would "take precedence of a motion pending the "consideration of a special order.

"The Speaker ruled that it would take "precedence of such motion as a privileged "question.

Mr. Fox appealed from the decision of the chair.

After debate.

Mr. Shepperson moved the previous question which was seconded and the main question ordered, viz: Shall the amendment be agreed to?

Mr. J. H. Berry asked for the yeas and nays.

The question being put,

It was decided in the negative.—yeas 28 nays 39.

The yeas and nays being desired by five members.

Those who voted in the affirmative are:—

Messrs.

Byrne, Neal
Byrne, Chas. F.
Cox,
Copeland
Eagle,
Fox,
Gibson,
Hankins, Moses
Harris,
Julian,
Johnson, Adam,
Johnson, J. H.
Kent
Latta,

Messrs.

Murphy, Wm.
Merritt,
Page,
Reid,
Robertson,
Robinson,
Shepperson
Sumpter,
Stewart,
Seymour,
Thornburg,
White,
Walker,
Williams.

Those who voted in the negative are:

Messrs.

Berry, C. E.
Berry, J. H.
Beazley,
Burdwithal,
Cobell,
Copeland,
Chandler,
Chapman,
Crosby,
Cunningham

Messrs.

Murphy, J. M.
McLeod,
Miller,
Matheny,
Mitchell,
Nunn,
Overton,
Parker,
Shipley,
Shepperd.

Messrs.

Ennis.
Fyffe.
Gilbreath.
Jewett.
Hankins. A. M.
Hankins. O. S.
Hynds.
Harley.
Lee.
Lynn.

So the amendment was not agreed to.

Pending the vote:

Mr. Mitchell (when his name was called) sent to the clerk's desk the following explanation of his vote, viz:

Mr. Speaker: I desire to have it recorded on the journal that I did not understand the vote taken on the ruling of the chair yesterday as represented by Mr. Fox, but that it was simply the ruling that the subject matter was a privileged question

The vote was then announced as above.

Mr. J. H. Johnson moved that the same portion of the journal be amended by striking out the point of order made by him, and inserting in lieu thereof the words

Mr. J. H. Johnson made the point of order "that under the rule a member could not rise "to a privileged question and present a petition "unless the rules were suspended for the purpose of receiving a petition."

Mr. McClure raised the previous question which was seconded and under the operation thereof the amendment was agreed to.

The journal of Friday was then approved.

Whereupon.

Mr. Fox sent to the clerk's desk the fol-

Messrs.

Speers.
Stephenson.
Stong.
Furbee.
Shinn.
Fillar.
Warwick.
Wright
The Speaker.

[illegible] protest:-

Mr. Speaker: I protest against the showing made by the journals of the House, that I moved to appeal from the decision of the chair upon the point of order raised by the gentleman from Woodruff (Mr. Johnson), but that I made the point of order that the question presented by Mr. Thurman, was not such a privileged question as would take precedence of a special order then pending; a showing contrary to these facts is an error.

What ever may be the feeling of members relying upon the merits of a question, the journals should show the facts. While many members may have voted upon the understanding that the question stated by the gentleman from Ouachita (Mr. Thurman,) was not a privileged question which would have been in order, after the determination of a special order of business then under consideration, there are a large number who voted to overrule the decision of the chair, that the question was such a privileged question as would take precedence of a special order.

I protest against the showing made by the journal of the House of that part of the session during the afternoon, of yesterday, showing facts contrary to what I have above stated.

On motion of Mr. Furbush

The House proceeded to consider the bill of the Senate (S. 139) entitled An act to establish and define the line dividing the counties of Franklin and Sarber.

By unanimous consent.

Under a suspension of the rules.

The bill was read a first and second time by title.

And.

On motion of Mr. Fox.

Ordered, That the bill lie on the table subject to the call of the House.

A message from the Senate by Mr. Quick their Secretary, viz:-

Senate Chamber, April 19, 1873.

Mr. Speaker: I am instructed by the Senate to inform your honorable body of the passage by the Senate of Senate Bill No 36 entitled An act concerning the par value of shares in incorporated companies.

Also. Senate Bill No. 193 entitled An act to be entitled an act to assign the county of Lonoke to the 12th judicial circuit and prescribe the time of holding the court therein.

Also. Senate Bill 164. An act to be entitled an act to make provisions whereby certain counties in the state of Arkansas may become subscribers in the capital stock of the White River improvement and transportation company.

Also. Senate Bill No. 156. entitled A bill to be entitled an act supplementary to an act entitled an act to provide for a general system of railroad incorporation, approved July 23d. 1868.

Also Senate Bill 190. a bill to be entitled an act to provide for the time of holding court in Howard county.

Also. S. B. No. 192. a bill to be entitled An act to attach the county of Howard to the 17th Senatorial district.

Also. of Senate Bill No. 138. a bill to be entitled an act to establish an insurance bureau, and herewith respectfully transmit the same.

Mr. McLeod from the Committee on Enrolled Bills reported correctly enrolled the bill of the House (H. R. 118,) entitled An act to established an institution to be known and called The Arkansas State Lunatic Asylum.

Also. the bill of the House. (H. R. 177) entitled An act to define and establish the boundary line between the county of Columbia and and Nevada.

Also, the joint resolution of the House (H. J. Res.

131) a joint resolution instructing the attorney general to file a bill in equity to set aside a sale of Real Estate Bank Lands to E. R. Knight."

Also, the bill of the House (H. R. 116) entitled "An act to prevent fraud against the revenue of the state and for other purposes.

On motion of Mr. Neal Burns.

The House proceeded to consider the bill of the House (H. R. 72) entitled An act for the relief of convicts on their discharge from the penitentiary.

Which was read a second time.

And,

On motion of Mr. Chapline.

Ordered. That the bill be engrossed for a third reading and be made special order for 11 o'clock A. M. of Monday, April 21, 1873.

On motion of Mr. Warnock,

The House proceeded to consider the bill of the Senate (S. 81) entitled An act to encourage immigration to the state of Arkansas

Which was read a third time and placed upon its passage.

The question being put, Shall the bill pass?

It was decided in the affirmative.—year 33, nays 30, not voting 19.

Those who voted in the affirmative are:—

Messrs.

Berry, C. E.
Burns, Neal
Chapline.
Cornell.
Eberhard.
Crowley,
Earle.
Fox.
Furbush.
Hankins, A. M.
Hankins, O. S.
Harris.
Marshall.
Nunn.
Page.
Rawlins.
Robinson.
Shrigley.
Shapstaul.
Stephenson.
Shepherd.
Story,
Sylvester,
Thornburg.

Messrs.

Johnson, Adam
Joyner,
Lee,
Murphy, J. M.
Murphy, Jno.

Those who voted in the negative are:—

Messrs.

Berry, J. H.
Brawley,
Chandler,
Cunningham,
Ervin,
Eagle,
Gist,
Gilbreath,
Grissett,
Gunter,
Hopkins, Nunn
Hynds,
Harley,
Kyle,
Lynn,

Those absent or not voting are:

Messrs.

Beardsley,
Bridenthal,
Cox,
Copeland,
Chapman,
Cate,
Foster,
Irby,
Johnson, J. H.
Kingston,

So the bill was passed.

Mr. Ervin, at 11 o'clock and 35 minutes A. M., moved that the House adjourn.

Mr. Neal Bunn asked for the yeas and nays.

The question being put.

It was decided in the negative.—yeas 14. nays 46.

Messrs.

Warwick,
White,
Wilbians,
The Speaker.

Messrs.

Latta,
Merritt,
McVeigh,
Matheny,
Mitchell,
Preston,
Reid,
Sarber,
Sumpter,
Stewart,
Thurmond,
Thurman,
Tillar,
Walker,
Wright,

Messrs.

McLeod,
McGehee,
Millen,
Pindall,
Parrish,
Robertson,
Spears,
Bunn Chas. F.
Wheat,

The year and nays being demanded by five members,

Those who voted in the affirmative are:-

Messrs.

Berry, J. M.,
Brown, Chas. F.
Bearley,
Cleveland,
Crowley,
Cunningham,
Eagle,
Merritt,
Matheny,
Mitchell,
Reid,
Thurman,
Tillar,
Walker,

Those who voted in the negative are:-

Messrs.

Berry, C. E.,
Brown, Paul
Chaplin,
Cobell,
Coit,
Copeland,
Chandler,
Ennis,
Fox,
Funkhouser,
Gilbreath,
Garrett,
Gibson,
Hankins, A. M.,
Hankins, O. S.,
Hankins, Miss,
Harris,
Jordyn,
Johnson, Adam
Joyner,
Lee,
Lynn,
Latta,
Murphy, J. M.,
Murphy, Wm.
Mulkey,
McVeigh,
Nunn,
Page,
Pierce,
Randall
Rawlins,
Robinson,
Shipley,
Speake,
Stephenson,
Shepperson,
Strong,
Stewart,
Thurmond,
Thorne,
Thornbury,
Warwick,
White,
Williams,
The Speaker,

So the House refused to adjourn.

Mr. Kent moved that the rules be suspended, and that the House pass to the consideration of the substitute for the bills of the Senate (Sub. S. 88, 1041, entitled An act to amend the code of civil practice.

Which was not agreed to (two-thirds of the members present not voting therefor)

Under a suspension of the rules for that purpose

Mr. McGehee introduced a bill (H.R. 349) entitled An act supplemental to an act to divide the state into sixteen judicial circuits, to confer original jurisdiction in all matters of probate and administration upon the circuit courts and to fix the time for holding said courts.

By unanimous consent.

Under a suspension of the rules.

The bill was read a first and second time by title.

On motion of Mr. McGehee.

The rules were further suspended (two-thirds of the members present voting therefor) and

The bill was read a third time and placed upon its passage.

Mr. McGehee moved the previous question which was seconded and the main question ordered, viz; Shall the bill pass?

The question being put.

It was decided in the affirmative.—yeas 56, nays none, not voting 24.

Those who voted in the affirmative are:

Messrs.

Berry, C. E.
Berry, J. H.
Bohm, Paul
Bunn, Chas. F.
Bearley.
Bridenthal,
Chapline,
Corbell,
Cleveland,
Cort.
Chandler,
Chapman
Crowley,
Cagle

Messrs.

Murphy, J. M.
Murphy, Thos.
Mackenzie
McGehee,
Merritt,
McVeigh,
Matheny,
Munn,
Page,
Rankins,
Robertson,
Robinson,
Sarber,
Shigley,

Messrs.

Furbush.
Foster,
Gist,
Gilbreath,
Gorrell
Gibson,
Hopkins, A. M.
Hopkins, O. S.
Hoyt,
Harley,
Johnson, Adam
Johnson, J. H.
Joyner,
Lynn,

Messrs.

Spears,
Stephenson,
Shepherson,
Strong,
Stewart,
Turner,
Thayer,
Tillman,
Talbert,
Walker,
Williams,
Wright,
The Speaker.

Those voting in the negative,
Those absent or not voting are:—

Messrs.

Beardsley,
Copeland,
Cate,
Cunningham,
Davis,
Erwin,
Fox,
Hopkins, Thomas
Harris,
Kingston,
Kent,
Lee,
Jordyn,

Messrs.

Latta,
McLeod,
Millen,
Mitchell,
Preston,
Pindall,
Parrish,
Reid,
Shappard,
Sumpter,
Yarnick,
White
Wheat

So the bill was passed.

Mr. McKeehen moved that the vote last taken be reconsidered and also moved that the motion to reconsider be laid on the table; which latter motion was agreed to.

Mr. Thayer presented as a privileged question, a petition from the Hon. Joseph Brooks asking that he be allowed the privilege of contesting the election of Hon. Elisha Baxter as governor of the state, which was read

as follows, viz:-

To the Honorable, the General Assembly of the state of Arkansas:

Your petitioner Joseph Brooks, respectfully represents:- that at the general election holden in the state of Arkansas on the fifth day of November in the year eighteen hundred and seventy-two, your petitioner was a candidate for the office of Governor of said state for the term then next ensuing, and that he is informed and verily believes and avers, that he as such candidate, was voted for by the qualified electors of said state, in every county in said state and that he is informed and verily believes and avers that he, as such candidate, received on said day, at the several legally established precincts and polling places, throughout said state, from the qualified voters therein a higher number of votes in the aggregate than were then and there cast by the qualified voters of the said precincts and polling places, for any other person who was then and there a candidate for said office of governor; and that he is informed and verily believes and avers that he as such candidate for governor received a majority of all the legal votes cast on said fifth day of November in said year, in the said several precincts and polling places of said state for the several candidates for the said office of Governor, of said state, and that he is informed and verily believes and represents to your honorable body, that your petitioner as such candidate for governor then and there aforesaid received a higher number of legal votes than were then and there aforesaid cast for the Honorable Elisha Baxter, as a candidate for said office.

Your petitioner is informed and verily believes, and further represents unto your honorable body that at the said general election so held as aforesaid, the number of votes stated, exhibited, and set forth, in the table next following were legally cast for your pe-

titioner as such candidate for governor of Arkansas as aforesaid at the said several polling places in the several counties of said state; and were legally and formally received and counted by the respective legal judges and clerks of election at the said different precincts, in the respective counties of said state and by them legally, and in due form, certified and returned to the respective county clerks of said counties as by law required, namely

Arkansas,	613.
Ashley,	772.
Benton,	1154.
Boone,	721.
Bradley,	742.
Calhoun,	469.
Carroll,	324.
Chicot,	279.
Clark,	1066.
Columbia,	1188.
Conway,	1045.
Craighead,	512.
Crawford,	587.
Crittenden,	295.
Cross,	530.
Dallas,	699.
Desha,	416.
Drew,	1249.
Franklin,	255.
Fulton,	430.
Grant,	420.
Green,	670.
Hempstead,	1234.
Hot Spring,	731.
Independence,	660.
Izard,	619.
Jackson,	339.
Jefferson,	1027.
Johnson,	816.
Lafayette,	582
Lawrence,	560.
Little River,	261.

Lincoln	901.
Madison	529.
Marion	654.
Monroe	862.
Montgomery	390.
Mississippi	407.
Nevada	902.
Newton	172.
Ouachita	1073.
Perry	250.
Phillips	934.
Pike	290.
Polk	339.
Pope	314.
Prescott	146.
Prairie	1110.
Pulaski	3253.
Randolph	211.
Saline	745.
Sarber	274.
Scott	592.
Searcy	106.
Sebastian	590.
Sevier	687.
Sharp	538.
St. Francis	864.
Union	838.
Van Buren	450.
Washington	1178.
White	1642.
Woodruff	487.
Yell	1039.

making a total vote so cast, received, counted, certified and returned, to the said respective county clerks as aforesaid of forty three thousand and nine hundred and seventy two; each and every vote of which, as your petitioner is informed and verily believes. and further represents unto your honorable body, was required by the constitution and statutes of this state to be duly and regularly certified and returned. by said respective county clerks to

the secretary of state of said state of Arkansas, to the presiding officer of the senate of Arkansas, and to the Speaker of the House of Representatives of said state, and by said presiding officer of the said senate to be opened and published during the first week of the session of the legislature of said state next ensuing in presence of the members there assembled.

Your petitioner is informed and verily believes, and further represents unto your honorable body, that in addition to the said number of forty three thousand nine hundred and seventy-two votes so cast, counted, certified and returned, for your petitioner as such candidate as aforesaid, a large number of votes were cast, received, counted, and certified, for your petitioner as said candidate, in various precincts and counties of said state, on the said day of said general election, at polls held in each of said precincts and counties according to the forms of law at each of which polls no persons were permitted to vote but legally and duly qualified electors of said state, who had previously on said day duly applied for, and had been unlawfully refused and denied the privilege of voting at the ordinary and usual polls, in said precincts. respectfully, whose votes were never cast, or received, at said last mentioned polls, but whose votes were regularly duly and regularly cast and, by legal and proper officers, duly and regularly received, recorded, counted, certified and returned, and that the table next following contains, exhibits, and sets forth the said votes so cast and returned as aforesaid, for your petitioner, as such candidate, in the counties hereinafter named, to-wit:

Ashley	132.
Bradley	20.
Cundl	12.
Clark	23.

Crawford	80.
Franklin	744.
Independence.	168.
Jackson.	451.
Perry	225.
Pope	146.
Sayber	154.
Sebastian	595.
Washington	42.
Woodruff	457.

making a total of votes so cast, received, counted, certified, and returned as last aforesaid of three thousand two hundred and forty seven votes for your petitioner as such candidate. and which, together with the said vote so cast, and returned, as aforesaid for your petitioner as such candidate at the said ordinary and usual polls make an aggregate vote of forty-seven thousand two hundred and nineteen (47,219) votes so cast, received, recorded, counted, certified and returned at the various precincts of the state at said election for your petitioner as said candidate for governor;

Your petitioner is informed and verily believes and further represents unto your honorable body that the vote pretended to have been cast for at said election in the different counties of the state for said Elisha Baxter as said candidate for governor of Arkansas is as shown in the table next following namely;

Arkansas.	668.
Ashley	730.
Benton	241.
Bone	202.
Bradley	403.
Calhoun	275.
Carroll	277.
Chicot	1657.
Clark	974.
Columbia	761.
Conway	680.

Braighead.	146.
Branford.	932.
Brittendew.	1911.
Burr.	300.
Dallas.	322.
Desha	764.
Drew.	482.
Franklin	528.
Fulton.	152.
Grant.	204.
Green.	44.
Hempstead	1489.
Hot Spring.	268.
Independence	848.
Izard.	260.
Jackson.	424.
Jefferson	3246.
Johnson	135.
Lafayette	1601.
Lawrence	122.
Little River	505.
Lincoln	1060.
Madison	497.
Marion	162.
Monroe	701.
Montgomery	165.
Mississippi	386.
Nevada	574.
Newton	332.
Ouachita	1073.
Perry	130.
Phillips	3959.
Pike	381.
Polk	121.
Pope.	531.
Prairie	584.
Pulaski	3041.
Randolph	284.
Saline	9.
Sebastian	792.
Scott	133.
Searcy	380.

Sebastian	1009.
Sevier	332.
Sharp	124.
St. Francis	792.
Union	1347.
Van Buren	212.
Washington	738.
White	335.
Woodruff	688.
Yell	537.

making a total of forty-two thousand seven hundred and eighty (42.780) votes.

And your petitioner is informed and verily believes and further represents unto your honorable body that at said election there were actually cast at polls other than the ordinary and usual polls in the counties named in the table next following the number of votes in said table set forth for said Baxter as said candidate for governor namely:

Jackson	11.
Pope	1.
Sarber	2.

making a total of fourteen (14) votes which were all the votes cast for said Baxter for governor as aforesaid at all the polls held on the said day of said election any where in said state, other than at the ordinary and usual polls; said fourteen votes together with said forty-two thousand seven hundred and eighty votes, making an aggregate of forty-two thousand seven hundred and ninety-four votes; which your petitioner is informed and verily believes and charges the fact to be, is the highest number of votes that it has ever been pretended or claimed, upon the authority of any returns, abstracts, certificates, poll-lists, or other records, genuine or fraudulent, in any way relating or pertaining to said election, ever cast, received, recorded, counted, certified or returned, for said Baxter as such candidate for governor at said election; and which said number of votes

is less than the number of votes for said Baxter as such candidate for governor appearing upon the pretended official returns of the vote for governor cast at said election, that were opened and published by the presiding officer of the senate, of said state at the opening of the present session of the said legislature.

Your petitioner is informed and truly believes and further represents unto your honorable body that at said election so held as aforesaid the whole number of votes cast at all the polls held in said state for any and all persons as candidates for governor other than those cast for said Baxter and your petitioner did not exceed twenty-five (25)

Your petitioner therefore respectfully represents unto your honorable body that as your honorable body can ascertain by a simple computation; the largest number of votes ever claimed, as aforesaid to have been cast, received, recorded, counted, certified, or returned, for said Baxter as said candidate for governor at said election to-wit: forty-two thousand seven hundred and ninety-four (42.794) is less than the number of legal votes duly cast, received, recorded, counted, certified, and returned, at and for said election for your petitioner as said candidate for Governor, at the different polls established on the day of said election throughout said state, whether there be included in said computation the vote so cast, as aforesaid on said day for your petitioner as said candidate at the polls other than the ordinary and usual polls or not; that, excluding the said vote so cast as aforesaid at said special polls, the number of votes so cast and returned for your petitioner as such candidate as aforesaid at the ordinary and usual polls on said day, (being forty-three thousand nine hundred and seventy-two) is a higher

number of votes than the largest number of votes ever pretended or claimed or affirmed to have been cast or affirmed for said Baxter at said election, (namely, forty two thousand seven hundred and ninety four) by the difference of eleven hundred and seventy-eight (1178); that in casting the said vote or cast and returned or affirmed at said election for your petitioner or said candidate at said special polls, the whole number of votes, so cast and returned or affirmed for your petitioner or said candidate at said election (being forty seven thousand two hundred and nineteen) is higher than the said largest pretended vote for said Baxter by a difference of four thousand four hundred and forty-five (4,425).

Your petitioner is informed and verily believes and further represents unto your honorable body that immediately before the said election the names of a large number of qualified voters of said state, who had duly and regularly presented themselves at the proper time and place in their respective counties before the proper officers of registration therefor, and had taken the legal oaths and otherwise performed all the legal conditions of registration and had then and there received due and regular certificates of registration under the hands of the said officers of registration, and had been duly and regularly registered in the proper registration books for their respective counties, were afterwards, without notice, to said qualified votes, irregularly, fraudulently and unlawfully stricken from the said registration books, in many instances after the final adjournment of the board of review by said officers assembling together for that purpose by means whereof the said qualified electors were afterwards and on the day of said election by the proper officers of election deprived of the privilege of voting. That as your petitioner is informed and verily believes

and charges the fact to be the manner of the said electors were thus unlawfully struck from the registration list, and the said electors were thus denied the privileges of voting mainly for the reason that they were understood and believed by said officers to be favorable to, and in tendency to vote for your petitioner as such candidate at said election; that the following is a table of the number of legal votes where names were thus erased from the said books and were they deprived of the opportunity of voting in the respective counties named to wit:

Ashley	275.
Bradley	200.
Carroll	250.
Crawford	200.
Franklin	800.
Independence	750.
Izard	257.
Jackson	700.
Madison	100.
Perry	215.
Randolph	500.
Searcy	400.
Sebastian	1250.
Washington	500.
Woodruff	650.
Yell	400.

amounting to the number of seven thousand four hundred and forty-seven (7447) legal votes of said state that unlawfully refused the privilege of casting their votes at said election mainly for the reason that if they had been permitted to cast their votes at said election it was believed that said votes would then and there have been given to your petitioner as such candidate; and as your petitioner truly believes and alleges the majority of votes received by him as herein before set forth, would, in that event have been sufficient

by said number of seven thousand four hundred and forty seven (7447) votes.

Your petitioner further represents upon information and belief that hundreds of qualified votes not included in said last mentioned table, the precise number of whom he is not unable to give, were improperly and unlawfully, in manner as aforesaid, stricken from the registration books for various precincts of the counties of said state and denied the opportunity of voting at said election for the reason, in the main, that it was believed that if allowed to vote they would have cast their votes for your petitioner as such candidate, and your petitioner is informed and verily believes and avers that they would in that event then and there have so done.

Your petitioner further represents upon information and belief, that thousands of loyal votes in said state who duly and regularly presented themselves at the proper time and place in their respective counties, before the proper officers of registration, and duly offered to take the requisite oaths and perform all other conditions required by law to enable them to be registered, were irregularly and illegally refused registration by said officers and thereby denied the opportunity of voting at said election for the reason in the main, that if said votes had been permitted to vote, it was believed they would have voted for your petitioner, and your petitioner is informed and verily believes and avers they would in that event then and there have so done.

Your petitioner upon information and belief further represents unto your honorable body that in various counties of said state hundreds of names were, by the respective officers of registration therein, and by other persons conspiring with them to defraud your petitioner, and to defeat him as such candi-

date at said election irregularly, fraudulently, and unlawfully added to the registration books for various precincts of said counties respectively, the same not being the names of persons who were entitled to vote in said precincts or of persons who had not duly appeared before said officers or either of them for the purpose of registration, or who had taken any of the necessary steps to qualify them to be registered.

Your petitioner further represents unto your honorable body as he is informed and verily believes that in Mckown township in the county of Clark in said state hundreds of ballots, to-wit: the number of three hundred and ninety-four ballots, each having printed or written thereon the name of said Elisha Baxter, as said candidate for governor, were on the day of said election fraudulently and unlawfully deposited in the ballot box for said township by the officers of election for said township or one or more of them, or some other person or persons unlawfully conspiring with one or more of said officers for the purpose of defrauding your petitioner and defeating him as said candidate at said election.- no one of said ballots having been deposited in said ballot box, or offered for the purpose of being deposited therein by a qualified elector authorized to so cast or offer the same; and that said ballots were after wards counted certified and returned for said Elisha Baxter by the said officers of election, and, as your petitioner is informed and verily believes, and were included in the returns opened and published as aforesaid by the said presiding officer of the said senate, and that thereby the vote returned and officially declared as aforesaid for said Baxter, as said candidate for governor was improperly and unlawfully increased by the said number of three hundred and ninety-four (394) votes.

Your petitioner further represents on information and belief unto your honorable body that in various counties of said state many hundreds of ballots each containing the name of said Elisha Baxter as such candidate for governor, were, with intent to defraud your petitioner and defeat him as said candidate for governor, and fraudulently secure the election of said Baxter as governor of Arkansas, fraudulently and unlawfully placed in the ballot boxes in various precincts of said counties, by officers of election and other persons interested in the result of said election, no one of said ballots having ever been deposited or offered by a qualified elector authorized to deposit or offer the same, and that said ballots were afterwards unlawfully counted, certified and returned by the officers of election and other persons fraudulently conspiring with them for the purpose aforesaid, and as your petitioner is informed and verily believes and charges the fact to be, the said fraudulent ballots were included in the pretended official returns opened and published by the said presiding officer of the said Senate as aforesaid, and were illegally computed, with the vote officially declared as aforesaid for said Elisha Baxter as said candidate for governor.

Your petitioner is informed and verily believes and further represents unto your honorable body that in the wards of the city of Little Rock, and in the precincts of Big Rock, Eastman, Ashley and Coldwell townships, in the county of Pulaski in pursuance of a conspiracy unlawfully entered into by officers of registration, and officers of election, and other persons interested in the result of said election, a large number, to-wit: the number of two thousand fraudulent certificates of registration were irregularly and unlawfully issued to repeaters, and to persons who were not legal voters in said

county, or were not otherwise entitled to receive them, and that an equal and corresponding number of ballots containing the name of said Elisha Baxter as said candidate for governor were, on said day of election, illegally offered by said repeaters and said other persons not entitled to vote said ballots, and deposited in the ballot boxes of said wards and precincts by said officers and said other persons conspiring to defeat your petitioner as such candidate, and fraudulently secure the election of said Baxter as governor of Arkansas: And that said fraudulent ballots so offered and deposited were counted, certified and returned, in favor of said Baxter as said candidate and included in the so called official returns declared by said presiding officer of the Senate aforesaid. That in Cartman, Campbell and Gray townships of said county aforesaid two hundred and eighty-nine ballots containing the name of your petitioner as said candidate for governor, which had been on said day of election duly and legally deposited in the ballot box of said precincts by qualified voters therein, were by the officers of election for said precincts or other persons conspiring with them to defeat your petitioner as such candidate, fraudulently and clandestinely, extracted from said ballot boxes, and a corresponding number of ballots containing the name of said Baxter as said candidate fraudulently by them put in the place and stead of said ballots so cast for your petitioner, and that said ballots, so fraudulently substituted and introduced were afterwards returned and officially declared in favor of said Baxter by said presiding officer of the Senate, That the returns of said election from many townships of said Pulaski county were manipulated altered and reversed before being transmitted to

the county clerk of said county, and a large number of votes originally appearing therein as cast for your petitioner as said candidate, were thereupon erased or suppressed and a corresponding or larger number of votes for said Baxter as said candidate were fraudulently substituted in their stead and afterwards officially declared as aforesaid in his favor.

That as your petitioner is informed and verily believes and charges the fact to be, by diverse and sundry other cunning and fraudulent schemes and devices conceived and practiced by various official and private persons, with intent to secure the defeat of your petitioner as aforesaid, and the election of said Baxter as governor of Arkansas, such as pretending to order a new registration in certain counties and precincts on the eve of said election in such a manner as to fraudulently induce the voters therein to believe that the former registration had been set aside although the said persons so conspiring to deceive said voters well knew that no part of said registration could legally be set aside, and all this being done at a time, when it was impossible to secure a new registration of the voters therein, by which means many voters failed to cast their votes at said election; abolishing removing; and consolidating voting precincts in certain counties just before the said election, without notice to the voters therein, and rearranging said precincts in such a manner as to practically disfranchise a large number of legal voters by requiring them to travel a longer distance to the polling places therein than was practicable; conspiring to keep the officers of election away from the polls in many precincts, on that day, so as to induce the voters therein to refrain from casting their votes on that day; and by divers and sundry other similar devi-

cer and expedients, a large number of the qualified electors of said state who, as your petitioner is informed and verily believes, are favorable to, and intending to vote for, your petitioner as said candidate, were denied all opportunity of voting at all on the day of said election.

That as your petitioner is informed and verily believes and charges the fact to be, the so called official returns of the vote cast at said election for the said candidates for the office of governor, which are at the time aforesaid, officially declared as aforesaid by the said presiding officer of the state senate, were not the true complete and correct returns of the legal vote actually cast at said election for governor, in the respective counties and polling places of the state. On the contrary that said pretended returns were to a great extent fabricated by certain judges and clerks of said election, clerks of certain counties, by the Honorable James H. Johnson then and now the secretary of said state, the said Elisha Baxter, and other official and private persons combining for the purpose of securing the fraudulent installation of said Baxter, in the office of governor of said state. That, as your petitioner is informed and verily believes, the pretended original and first returns of said election from many precincts of said state were falsely fabricated in the first instance by said officers and persons or one or more of them for the purpose aforesaid, so as to show a vote for said Baxter as aforesaid larger than he in fact received, and a smaller vote for your petitioner than was actually cast for him as aforesaid.

That as your petitioner is informed and verily believes, the original and first returns of said election from many precincts of said state were subsequently, by said officers and persons or combining as aforesaid or one

or more of them, falsely and fraudulently altered, raised, or rewritten so as to falsely increase the said vote for said Baxter and falsely decrease the said vote for your petitioner. That as your petitioner is informed and verily believes and avers the pretended abstracts and returns pertaining to said election, transmitted by county clerks of certain counties of said state to the officers herein before referred to are in some cases false and fraudulent in the first instance, so far as they purported to set forth the vote for governor at said election, in other instances that they were subsequently by said persons falsely altered, substituted or rewritten so as to reduce the vote of your petitioner and raise the vote of said Baxter as aforesaid.

Your petitioner further represents, upon information and belief and charges the fact to be that said pretended official returns of the vote for governor at said election as officially declared by said presiding officer of the Senate as aforesaid, did not include any returns, record or showing, of the votes cast for the candidates for governor in the counties of Green, Johnson, Poinsett, and Scott, or in any of the precincts of Conway except one precinct thereof, or in six certain precincts of Mississippi county, or in five certain townships of Perry county, or in two certain townships of Pike county, or in two certain townships of Yumura county, or in five certain townships of Searcy county, or in two certain precincts of Van Buren county; that in each of said precincts and townships, and in the various precincts of said counties, a regular election was held on said day of election by proper officers, in due and legal form.

That in said counties and precincts the number of votes cast at said election for your petitioner as such candidate exceeded by thousands of votes the number cast therein for said Baxter as such candidate. That the said votes so cast in said counties and precincts were fraudulently

thereof and suppressed from said pretended official returns by certain persons to your petitioners unknown without authority or color of law.

Your petitioner is informed and verily believes and further avers unto your honorable body that the official returns of the votes cast for governor at the several counties of the state at the late election were not in fact transmitted by the respective clerks of said counties to the presiding officer of the Senate, as by law required; but that the same were transmitted to, and received by the said James McJohnson. That as your petitioner is informed and verily believes and avers, the said James McJohnson and the said Elisha Baxter personally inspected, computed and cast up the said official returns after they had all been so received by said Johnson as such secretary of state, and before the said official declaration of the pretended result of said election by the said presiding officer of the Senate, and that upon said personal inspection computation and casting up it appeared to said Johnson and said Baxter, and the said Johnson and the said Baxter each for himself then and there ascertained, and the fact really was, that said official returns indicated and showed that your petitioner had received a higher number of votes for governor of Arkansas at the said election than had been received for said Baxter as said candidate thereat by a difference of several hundred votes. That said Baxter and said Johnson each well knowing the premises and moved by a fraudulent design to defeat your petitioner, and secure the fraudulent installation of said Baxter as said governor, then and there entered into an unlawful conspiracy to falsely alter the said official returns and unlawfully cause the same to be falsely al-

tered, so as to reduce the vote appearing thereon for your petitioner and raise the vote appearing thereon for ~~said Baxter~~.

That in pursuance of said unlawful conspiracy the said Baxter and the said Johnson did then and there falsely alter the said official returns, and did then and there unlawfully cause them to be falsely altered ~~so as to~~ reduce the vote of your petitioner and to so raise the vote of said Baxter appearing thereon, as aforesaid, by means whereof the said majority of several hundred votes so appearing on said official returns as aforesaid as having been cast for your petitioner for governor was reversed, and it was falsely and fraudulently made to appear on said returns that said Baxter had received a majority of votes for governor, and that said returns as so falsely altered, were afterwards by said Johnson as said secretary of state fraudulently delivered and caused to be delivered to the said presiding officer of the Senate and were the pretended official returns aforesaid officially declared by said presiding officer as aforestated; by means of which said false unlawful and fraudulent conspiracy and alteration the installation of your petitioner as governor of Arkansas, was then and there defeated, and said Baxter was then and there by said means fraudulently installed governor of Arkansas.

Your petitioner is informed and truly believes and further represents unto your honorable body that the said Elisha Baxter as said candidate for Governor of Arkansas did not in fact receive the highest number of votes cast at said election for any candidate for that office, that the pretended official returns upon which he was declared elected Governor of Arkansas by the said presiding officer of the Senate as aforesaid were not in all respects true and genuine returns, but were in many respects

false, counterfeit or altered returns as herein before set forth; and that the said Elisha Baxter is not Governor de jure of the state of Arkansas.

But your petitioner further respectfully represents unto your honorable body, that he is informed and has good reason to believe, and does verily believe, and charges the fact to be, that your petitioner received at the last general election in this state, the highest number of votes cast for governor and is entitled to be declared by your honorable body the governor de jure of Arkansas, and to be duly installed in office as such.

Your petitioner therefore in accordance with the constitution and laws of this state, enters before your honorable body the election of the said Elisha Baxter as Governor of Arkansas.

And your petitioner, therefore to that end respectfully prays leave of this General Assembly to introduce, in such manner and form as shall be by your honorable body prescribed, his proof of the allegations hereinbefore set forth: And your petitioner further respectfully prays that if it shall appear unto your honorable body, after an examination of his said proof, and of any and all counter proof that may be, by said Elisha Baxter the said contestee, submitted to, and received by your honorable body, that your petitioner did in fact receive the highest number of legal votes cast for governor at said election, your honorable body will exercise the power and prerogative vested in your honorable body by the constitution and laws of this state and declare your petitioner duly elected governor of Arkansas.

Joseph Brooks

Subscribed and sworn to before me this 18th day of April A.D. 1873

C. H. Cox
Clerk Sup. Ct. of Ark.

Mr. Thurman moved that the prayer

of the petitioner be granted.

Pending the consideration of the motion.

A message from the Senate by Mr. Orrick their secretary, viz:-

Senate Chamber, April 19, 1873

Mr. Speaker: I am instructed by the Senate to inform your honorable body of the passage by the Senate of Senate Bill No. 180 entitled An act supplementary to an act entitled an act to repeal an act to authorize the county courts of the several counties of the state of Arkansas to issue bonds for the erection of a court house and jail.

Also Senate Bill 188, An act defining the duties of county and circuit clerks of Pulaski county, and herewith respectfully transmit the same for your favorable consideration.

The question being on the motion that the prayer of the petitioner be granted.

Mr. McGehee moved as a substitute that the petition be rejected.

Pending the consideration of the motion.

A message from the Senate by Mr. Orrick their secretary, viz:-

Senate Chamber, April 19, 1873.

Mr. Speaker: I am instructed by the Senate to inform your honorable body of the passage by the Senate of Senate bill 182, entitled An act to prevent persons hereafter elected to the General Assembly from holding office during the term for which they are elected.

Also substitute for Senate Bill No. 121 entitled An act to be entitled An act to amend chapter 57 act 7 of Mansfield's digest, and herewith respectfully transmit the same for your favorable consideration.

A further message from the Senate by Mr. Orrick, their secretary, viz:-

Senate Chamber, April 19, 1873.

Mr. Speaker: I am instructed by the Senate to inform your honorable body of the passage by the Senate of Senate bill No. 148 entitled A bill to be entitled an act for the

protection of certain persons in the state of Arkansas, and herewith respectfully transmit the same for your favorable consideration.

The question being on the motion that the petition be rejected.

After debate.

Mr. Millen moved the previous question.

The question being put. Shall the main question be now put?

It was decided in the negative.

So the House refused to order the main question.

After further debate

Mr. Hamrick moved the previous question which was seconded and the main question ordered, viz: Shall the petition be rejected?

It was decided in the affirmative:— yeas 63, nays 9, not voting 10.

Those who voted in the affirmative are:—

Messrs.

Berry, C. E.
Berry, J. H.
Bethell, Chas. F.
Chapline.
Cobell,
Cleveland.
Cox.
Copeland.
Chandler,
Chapman,
Crowley,
Dark.
Emmi.
Eagle,
Fox.
Fyfe,
Grissom,
Hawkins, O. S.
Hawkins, Simon
Harris,
McGehee,
Merritt,
Millen,
McVeigh,
Matheny,
Mitchell,
Nunn,
Page,
Rankins
Reid,
Robertson,
Robinson,
Sarber,
Shipley,
Sheppard,
Speers
Stephenson,
Shepherson,
Storey,
Sundup ter.

Messrs.

Joslyn,
Johnson, Adam
Johnson, J. H.
Joyner,
Kent,
Lee,
Lynn,
Latta,
Murphy, J. Mc.
Murphy, Wm
McLeod,
Marshall,

Those who voted in the negative are:-

Messrs.

Bunn, Neal
Bridenthal,
Cunningham,
Hankins, A. Mc.
Hyatt,

Those absent or not voting are:-

Messrs.

Beardsley,
Bearley,
Cate,
Faribank,
Forten,

So the petition was rejected.

Pending the vote:

Mr. J. H. Berry (when his name was called) sent to the clerk's desk the following explanation of his vote, viz:-

Mr. Speaker: I vote aye, for the reason that I believe we have not time to try the cause, and for the further reason that I do not believe a fair trial before this General Assembly can be had.

Mr. Bridenthal (when his name was called) sent to the clerk's desk the following explanation of his vote, viz:

Mr. Speaker: I vote against the rejection of the petition, on the ground that I

Messrs.

Stewart,
Turner,
Thurman,
Tilghman,
Thornburg,
Warwick,
White,
Walker,
Williams,
Wright,
The Speaker.

Messrs.

Harley,
Preston,
Pindall,
Thorne,

Messrs.

Gilbreath,
Garrett,
Kingston,
Pabisch,
Wheat,

have taken an oath to support the constitution, and the petitioner has a right to be heard.

Mr. Copeland (when his name was called) sent to the clerk's desk the following explanation of his vote.

Mr. Speaker: In explanation of my vote permit me to say that the circumstantial evidence of a collusion between a class of defeated political gamblers on the one side and political traitors on the other side is so understood that it is impossible for any thinking and reasonable man who loves his country and its peace and prosperity to do otherwise than vote down a proposition that carries on its face revolution, murder and chaos. I vote aye.

Mr. Chandler (when his name was called) sent to the clerk's desk the following explanation of his vote, viz:—

Mr. Speaker: I vote aye because it is now too late to determine this question before the day of adjournment already irrevocably fixed.

It is tampering with the dignity of this body to come in at this late day of the session to determine this question, when the contestant was invited and could have presented his case more than ninety days ago. It is a legal impossibility to examine into and determine this question on its merits before the day fixed for adjournment.

Big and about all these reasons, the lobbyists—liars and public plunderers—are declaring the governor to be displaced, and are placed in power who they think might lend to their will.

For the public prosperity, peace and happiness of the state, I vote aye.

Mr. Crowley (when his name was called) asked that his name be attached to the explanation of Mr. D. H. Berry.

Mr. Crist (when his name was called)

sent to the clerks desk the following explanation of his vote, viz:-

Mr. Speaker:- In explanation of my vote upon this unconstitutional question - Shall the petition of Joseph Brooks to contest the seat of Gov. Baxter be rejected?- I say frankly to say that the tone of the press and my own knowledge from observation for the last few weeks cause me to shudder at the idea of turning a man out of office who is upheld by men who inaugurated and advocated the enormous railroad steal and many other things that have been oppressive to the people. Believing that when I cast my vote in favor of sustaining Gov. Baxter, I shall represent a majority of the voters of my district whom I represent, and pledging my people to uphold Gov. Baxter as long as he will stand by them in their rights as common citizens of our commonwealth, I vote aye.

Mr. Grissom (when his name was called) sent to the clerk's desk the following explanation of his vote, viz:-

Mr. Speaker: I would say in explanation of my vote, that to prevent further murder and assassination, and for the purpose of inaugurating an era of peace and progress under the leadership of Arkansas' old and respected citizens, who I believe to be the Aegis of hope in the future, I vote aye.

Mr. Harris (when his name was called) sent to the clerk's desk the following explanation of his vote, viz:-

Mr. Speaker: While recognizing the right of any citizen to appeal to the Courts for redress, for a violation of his rights under that law and recognizing the facts that

1st. Such appeal was made to the whole people in November and decided against the appellant.

2nd. In the public examination of each decision by both branches of the

General Assembly, the former decision was sustained, knowing that it will open a question that is settled; knowing that the opening up of this question will inaugurate a revolution in our commonwealth, and entail inextricable confusion upon the body politic; knowing that head and front of our state is ably following out the principles pledged in our platform, and believing that he will do so to the end, I vote aye.

Mr. Adams (when his name was called) sent to the clerk's desk the following explanation of his vote, viz:-

Mr. Speaker: In explanation of my vote I would say that, believing that in order peace in the state from this time out and knowing that under the administration of Gov. Baxter we will have it, and the lion and lamb will be able to lie down together unmolested. I vote aye.

Mr. J. A. Johnson (when his name was called) sent to the clerk's desk the following explanation of his vote, viz:-

Mr. Speaker: In explanation of my vote I would say that the attempt of Mr. Joseph Brooks to introduce a petition into this house on the basis of a contest for the governorship of the state of Arkansas after that question had been settled by a co-ordinate branch of this assembly, was not for the purpose of restoring [illegible] supposed rights of the people, but simply developes a combination of political desperadoes of all parties who, under the cry of justice, would precipitate us into the scenes of 1868. I vote aye.

Mr. Joyner (when his name was called) sent to the clerk's desk the following explanation of his vote, viz:-

Mr. Speaker: As I was not elected to this General Assembly to make a record

but to do the best for the largest number of the citizens of the state and having up to this time failed to make a record as some persons think it but have endeavored at all times to cast my vote as I believe for the best and most certain by independent on all subjects, therefore I vote aye.

Mr. Lynn, (when his name was called,) sent to the clerk's desk the following explanation of his vote, viz:-

Mr. Speaker; concurring fully and most cordially in the sentiments and reasons so eloquently expressed by my colleague from the 1st district the Hon. H. M. McVeigh, I cast my vote against the reception of the petition of Hon. Joseph Brooks. I vote aye.

Mr. Mitchell (when his name was called) sent to the clerk's desk the following explanation of his vote, viz:-

Mr. Speaker; Notwithstanding the fact that the law recognizes the right of all men to have their grievances adjusted, yet I cannot, either by word or deed, encourage the reopening of the troubles experienced at the opening of this general assembly. We have already squandered a vast amount of time and means without profit, and, as I am unwilling to risk any people under the administration of his Excellency Hon. Baxter, I do most emphatically oppose the consideration of the Hon. Joseph Brooks' contest at this late hour and under all the surrounding circumstances. I vote aye.

Mr. Pindall (when his name was called) sent to the clerk's desk the following explanation of his vote, viz:-

Mr. Speaker: Sec 101 of chapt 62 of Gould's Digest provides that if any person contest the election of governor he shall present his petition to the General Assembly, setting forth the points on which he will contest the same and the facts he will prove in

support of such points and shall pray for leave to introduce his proof and a vote shall be taken by the yeas and nays in each house whether the prayer shall be granted.

Sec. 102 provides that if a majority of the whole number of votes of both houses shall be in the affirmative, they shall appoint a joint committee.

Sec. 101 vests a discretionary power in the General Assembly whether they will grant the prayer of the petitioner and permit the introduction of proof.

I understand this to be a legal discretion not to be controlled by the whim of the legislators or between even nor by considerations of policy.

Any person duly elected to an office acquires a right thereto and if deprived of that right he is entitled to a remedy. In case of the office of governor, the general Assembly is the tribunal having jurisdiction to determine the right and give the remedy.

If upon examining the petition it is found to contain statement (if true) that would entitle the petitioner to the office, and the character of the proof offered (if produced) be sufficient to establish these statements, then I hold it is the duty of the general assembly to permit the introduction of the evidence and determine the rights of the parties.

It is said that some of the supporters of this content are not influenced by a desire to secure the right but a desire to deter the governor from the firm (and must say noble) stand he has taken on certain measures before the legislature and force him to yield to the demands of the corrupt ring. Be this as it may, I do governor Baxter the justice to believe him an honest man and in taking the stand he has he was not influenced by selfish motives but by a conviction of right and that the fear of losing the office of governor will not

force him to blister his lips with perjury or pollute his hands with corruption; that he would rather return to private life conscious of having done his duty and with the respect of his fellow citizens, than to be governor of a corrupt army. I believe that Governor Baxter spoke the truth when he said if he was not elected to the office he did not want it.

I am of the opinion that if the statements made in the petition are true Mr. Brooks is entitled to the office and the proof offered is produced and not rebutted will establish these statements.

This is not a question of whether governor Baxter will make a good or bad governor, but whether he is of right governor and whether the voice of the people as expressed through the ballot box shall be disregarded or made potent and binding. It is for the legislature to determine who the people have chosen or elected and upon the people rest the responsibility of that choice.

And for another reason this petition should be referred to a committee. It contains grave charges against Gov. Baxter and it is due him personally as well as governor of the state that he should have an opportunity to answer them and vindicate himself. I vote nay.

Mr. Reid (when his name was called) sent to the clerk's desk the following explanation of his vote, viz:-

Mr. Speaker: In voting on this measure I desire to say that I am in favor of the right to petition, and when any citizen places himself in a proper attitude and in due time, my voice and vote will at all times be in favor of granting and receiving the petition. But such is not the case with the one under consideration, from the fact that we have been in session nearly four months, and the petitioner has remained perfectly quiet, and at this late hour, when we are on the eve of adjournment, the petitioner comes and

asks us to allow him to file his petition for contest. What are the people to gain by allowing the petition? If investigated at this time it would necessarily compel us to remain here at least four weeks at great expense, without any hope of being any benefit to our people, the matter how it may terminate in the end, & therefore vote aye.

Mr. Spears (when his name was called) sent to the clerk's the following explanation of his vote, viz:-

Mr. Speaker: In explanation of my vote, I wish to say in regard to this important measure now pending relative to brother Joseph, that I never was a disciple or follower of the arm named gentleman whose former precepts are to devastate our state and create her a howling wilderness. Having the utmost confidence in his Excellency Elisha Baxter, I am constrained by the best of motives to stand firm and immovable by the chief executive of our state, whose official capacity has done much to harmonize the distracted condition of our once happy and prosperous state, & therefore vote aye.

Mr. Shipperson (when his name was called) sent to the clerk's desk the following explanation of his vote, viz:-

Mr. Speaker: In explanation of my vote on this question of allowing Mr. Brooks to contest the seat of Gov. Baxter I desire to say that the people have already said through the representations that Gov. Baxter was legally elected by a large majority of the people of the state of Arkansas. I desire to say sir that the matter of contest coming up at this late day of the session is entirely against the wishes of the people of Arkansas and very prejudicial to the interest of legislation for the good of the masses of the people of this state. I would further say in explanation of my vote that I together with other republicans

of Hempstead county endorsed Gov. Baxter fully and freely as the best choice for governor, and I have no evidence or indication to at this time to change my opinion; therefore I vote aye.

Mr. Thurmond then his name was called sent to the clerk's desk the following explanation, of his vote, viz:-

Mr. Speaker, While I am not the censor of the individual member of this House, I trust that the expression of deep and earnest regret at its extraordinary proceedings, one day since (when the subject now pending was offered for its consideration), in over-ride by, with passionate haste, not only a well settled principle of parliamentary law, but the position, guaranty and requirement of the constitution of the State and the statutes made in pursuance thereof, I allude to the decision of the chair holding that the introduction of this contest was a "privileged question." The expression of this regret is done with a desire that it may change the legislator that he may it ever seek to his state to preserve untarnished, without compromise, and unimpeachable the dignity of the body of which he is a member, than to guard with vigilance and integrity, her great material concerns, I trust the future consideration of this contest, involving as it does, the sacred right of petition of the people of a great state, complaining, through their lawful petitioners, of wrongs and injuries and injustice, and of wanton and tyrannical abuse of their most sacred rights as citizens, will be characterized by the deliberation due the magnitude of this subject.

It is useless, Mr. Speaker, for me to do more than advert to the right of petition, as it is now regarded throughout the civilized world; I may say, as a right inherent in, and inalienable from the citizen, to petition for redress of grievances. And in a republican government it results from

the very nature and structure of its institutions, and as long as the spirit of liberty dwells in the land, and the people are fit to exercise any of the privileges of freemen, it must exist. It is a sacred right which, in difficult times like these, serves as a safety valve, and may give to the representatives or other bodies most useful and valued information. The deprivation of it, would at once be felt by every freeman as a degredation. In many states of this Union, as in this, it is especially provided for and guarded in the constitutions thereof. Section 4, of article 1, of the constitution of the state, expressly guarantees this right, and in section 10, of the same article, we find that every citizen is entitled to a certain remedy in the laws for all any injuries or wrongs which he may have received, and to obtain justice freely and without purchase: completely, and without denial, promptly and without delay, conformably to the laws.

For the purposes of this petition, the right of petition is not only well guarded, but the language of the law is mandatory and says the vote on the prayer of the petitioner shall be taken by yeas and nays of both houses of the general assembly, leaving no option to the members or to the body, as to whether it will be entertained, [Hurd's Digest, 476; Constitution—].

As implied by the conduct of representations on this floor, this contest does not involve a comparison of the personalments of the petitioner and respondent, Joseph Brooks and Elisha Baxter; nor the good qualities of the latter in his capacity as governor, nor an inquiry as to how the former would demean himself in that high and responsible office. Such criticisms can form no part of this investigation, nor can the inquisition be regarded as an attack upon the present administration. I, to-day, give it all the support I have ever given it in aiding, to

the interest of my person, in bringing about wholesome results for the relief of a patient and long suffering people.

Such considerations, when the issue to be joined in this contest is viewed in the true light of American republicanism, which throws its awful sanctity around the will of the people expressed through the ballot, can find no remembrance in the mind of the patriotic representative.

The sovereignty of American citizens is involved. Their right to choose their official servants according to law is involved. The question whether the citizen will be protected in the exercise of his high prerogative or not when called upon to express his choice, or will be robbed of this sacred franchise by unscrupulous officials, the base manipulations of poll-books and election returns, and the designed arrangement and corrupt management of the machinery of elections. Questions and subjects like these, written in the very heart's blood of republican government, blaze upon the lips of injured and outraged citizens of this commonwealth, in conformity with law, pray for an investigation and redress at the hands of this general assembly.

Mr. Speaker, for a better understanding of this petition, I will briefly recite some of the leading and more important allegations and charges contained therein, and then ask who is he, in view of his rights as a citizen, his responsibility to his constituents, acting under the sanction of a solemn oath, can put himself upon record against an investigation.

First - The petitioner represents that he received a majority of all the legal votes cast, as returned by the respective returning officers of the county, of 1192.

Second. That, counting the votes legally cast and returned by the judges and clerks of election, he received 4425 majority.

Third — That upward of 7437 legal votes of said state were fraudulently and unlawfully deprived the right to vote, who would have cast their votes for petitioner,

Fourth — That a large number, whereby have voted for petitioner, were unlawfully and fraudulently denied registration or illegally stricken from the registration books, to-wit, upon 10.000 names,

Fifth — That a large number, amounting to thousands of fraudulent and illegal votes were received by Gov. Baxter, by means of repeating, ballot-box stuffing, etc,

Sixth — That a large number of votes, with the name of Baxter, as candidate for governor were fraudulently and unlawfully placed in the ballot-boxes of the various precincts, and an equal number of ballots duly and legally cast for petitioner taken out,

Seventh — That the returns as forwarded to the secretary of state showed Mr. Brooks elected by a large number of votes, but the returns were mutilated and changed and the pretended returns sent to the president of the Senate were not the true returns,

Upon this showing, the simple question is, whether or will investigate these allegations or not, which, for the purpose of deciding whether this investigation shall be allowed, are to be taken as true, or whether by rejecting this application, we shall uphold such wrongs as appear to endorse the frauds alleged therein,

Upon allegations and charges like these, which must be taken as true until the contrary is shown by proof, it occurs to me that this general assembly must order the investigation. I repeat, who can or dare put himself upon record against it? A bold man, war he, that ancient one, who robbed the heaven of fire, and did it in the hollow of a reed, but bolder far is he who would

deprive fifty thousands of the citizens of this commonwealth of the elective franchise, by denying them to be heard in this contest as the law requires. It may be true, sir, but I will not believe it, can not believe it, until I know from the official records of this general assembly.

I have been told that the removal of the chair on yesterday, by this house, on a point of order taken, was a test of the issues in this contest, and decision against an investigation. In a legal aspect of the case this can not be so, as if only one vote be cast in this House, the case is not settled until the Senate votes and the tolls affirmative and negative are compared. In regard to the other branch of this subject, what these individual members of this side of the House, who voted for the removal of the chair, will do upon the question as to whether this investigation shall be opened and petitioners be permitted to introduce proof, without actual knowledge to the contrary, I here express the belief with confidence that they will not be found wanting in any particular at this hour, when they can aid in wiping from the once bright escutcheon of their commonwealth the foul blot of usurpation and corruption that is now charged by fifty thousand of her citizens to rest thereon, hiding all of its beauty and reflecting a gloomy despair on all her present energies and her future destiny. They know and understand the legal force of this petition; they know and appreciate that this not merely a contest between Brooks and Baxter; they have passed through the fiery ordeal of the last seven years constantly feeling the pangs of oppression and reckoning and corruption, which they are vainly striving to prevent. They are yet mourners at the grave of true liberty, and the sacred rights of the citizen. They know that this guard is just and that the great heart of the people of Arkansas is with it. This is enough. (Pardon, Mr. Speaker, the in-

ridiculous allusion); the rule and guide of such men and representations are terse by expressed in these words "Justitia fiat, ruat Coelum", and this side of the House, at least cannot deny the prayer of the petitioner,

Mr. Speaker, with malice toward no one, in the discharge of a sacred duty, as I conceive it, and in behalf of the right of petition, and of the people of the State, I have occupied the time of the House. I trust the prayer of the petitioners be granted.

Mr. Thurman (when his name was called) sent to the clerk's desk the following explanation of his vote, viz:-

Mr. Speaker: Inasmuch as this General Assembly will adjourn on the 20th inst, and inasmuch as a sufficient length of time cannot be had to consider this matter, that its importance demands, therefore, I vote aye.

Mr. Dillon (when his name was called) asked that his name be attached to the explanation of Mr. J. A. Berry.

Mr. Ennis before the vote was announced asked that his name be attached to the explanation of Mr. Chandler.

Mr. Chas. J. Byrne subsequently sent to the clerk's desk the following explanation of his vote, viz:-

Mr. Speaker: In explanation of my vote I would say that I am not in favor of legislating in favor of a set of vultures that have been feasting on the people of the State of Arkansas for the last seven years. The ring has been broken and I do not intend to be a party to the mending of it. Knowing that my constituency will support me in the position that I take and knowing this my conscience is clear, I vote aye.

Mr. Hobbs, subsequently sent to the clerk's desk the following explanation of his vote, viz:-

Mr. Speaker:- With my official oath,

the constitution, and the sacred right of the people to be heard, as any guide & vote &c.

Mr. Jordyn, subsequently, sent to the clerks desk the following explanation of his vote, viz:-

Mr. Speaker:- Believing as I do that the things in the petition are untrue, and that Elisha Baxter was duly and honestly elected governor and that the hearing of evidence would only substantiate that fact, I vote to reject the petition as an act of injustice, and a waste of time and money to the people of the state.

Mr. Preston subsequently sent to the clerk's desk the following explanation of his vote, viz:-

Mr. Speaker: Cut off from any opportunity of explaining my position upon this matter by the operation of the previous question I send the following to the clerks desk and ask that it be spread upon the journals. I regret as much as any member upon this floor that this matter should have come before us, but since it is here I propose to meet it fairly upon a basis of principle. I am no eulogist of the present occupant of the gubernatorial chair nor an admirer of the contestant. the Hon. Joseph Brooks. I do not propose to say that Elisha Baxter is not legally the governor nor that the contestant is. It has been heralded all over the land that the contestant is entitled to the distinguished honors that he claims to be. That he has been defeated of these honors by manipulations of the returns as made of the election of the fifth of November last and that cry of fraud has been reiterated so often and upon such authority that it has gained credence in every quarter of the state. The contestant comes and only asks that he may have a hearing and that he may be allowed the poor privilege of making his proof. I cannot in a matter of this character be governed by any law of expediency, although I am forced to take opposite views from the majority of my political friends, and in doing so let me

say that I accord them the same integrity of purpose, that I exact from them, I hold sir that this is a matter in which the people are directly interested. If the allegations set forth in the contestants petition are true the people should know it. If fraud has been practiced and the contestant has been wronged as he alleges the matter should be investigated and the facts made known, I hold sir, that it is not a mere matter between two distinguished individuals but a matter of the people in which the whole people of the state are interested. If their will as expressed at the ballot box has not been complied with in every particular it is their cause that has been wronged and surely it would not injure the people to right that wrong. I would sir, as a friend of the occupant of the gubernatorial chair, which I claim to be when he is in the right, insist upon a full and fair investigation and favor settle the mixed question and that is the only way that it can ever be done. In casting my vote to grant the prayer of the petition, I feel sir that I am not only doing a simple act of justice to an individual, but sir, an act of justice to the people that I have the distinguished honor to represent in part, and sir, although I find myself in the minority, I have the proud satisfaction of having the approval of my own conscientious secure of doing right. Not casting any reflections upon those who differ with me honestly I must say that it does seem my strange indeed to me, that any one member representing in part the very people that it is alleged have been foully and fraudulently wronged of their rights as citizens and sworn, forced in to their high places against their expressed wish, should here upon this floor refuse to have that matter investigated and to hear the evidence or hear the wrong if there be wrong right. I vote no,

Mr. Neal Brown subsequently sent to the clerk's desk the following explanation of his vote, to-wit:

Mr. Speaker: I desire to state my reasons in brief, and have them spread upon the journals of this house, for voting against the rejection of the petition and prayer of Joseph Brooks for a contest of the high office of governor of Arkansas with the Hon. Elisha Baxter, I believe, sir, it is the right, the high prerogative of an American citizen to petition for a redress of grievances through his representatives. This inherent, inalienable right to petition is fully mapped out in no easily mistaken language in the constitution of the United States, in the magna charta of our liberties. Our state constitution is sufficiently plain upon this proposition, and its framers were actuated by lofty motives of the liberties of our people and their most unquestionable right and privilege to petition. Furthermore, the law as laid down in Lowell's Digest is very clear upon this very important question; and, sir, I am not a little astonished that members upon this floor, sitting as a court to test a question of constitutional law and individual right — men learned in the law — should have so far ignored one of the first, dearest rights of an American citizen as to refuse him the palpable right to petition. As much as I recognize the inexpediency, the impropriety of, at this late day of the session, bringing this unnecessary question before this body — however pleased and satisfied I am with the administration of his excellency — however greatly undisposed I am to clog the wheels of legislation, or cavil at the policy of the administration — I deem it my first, highest duty to grant the petition of Joseph Brooks, a proper and impartial hearing. Although a warm adherent to Gov. Baxter's administration, believing that he will well serve the best interests of the whole people, yet my this question of ejectment from a court tutrinal and legal stand point.

I cannot conscientiously vote to reject the petition and prayer now before me. Sworn or perish, I vote no.

Mr. Cunningham, subsequently, sent to the clerk's desk the following explanation of his vote, viz:-

Mr. Speaker: This is the most trying ordeal of my brief official life. I cannot without violence to my fixed rules, dodge, I would resign if it were not disgraceful to desert a post in the hour of danger, or to resign a trust when no other trustee can be had.

The contestee is a personal friend of long standing, while the contestant is only known to me in his public character. The warm personal friendship I had for contestee has lately been widened, deepened and intensified by his bold stand against the corrupt "ring" and his entire devotion into a blaze.

That this contest should have come on at the time the governor was in the midst of a war with corruption and public plunderers, and whilst his fame is glowing among the people is to me grievous. I shall & will, at all times, sustain his veto or other action if that be in the right, and pledge my constituency to do the same.

But this is not the question here to be heard. We cannot commit our likes or dislikes. We are not called upon to decide who will make the best governor - who will the more facilitate the destruction of the thieves and robbers who are eating out the life of the body politic. These are questions of the late campaign, and the final vote was given in November, at which time we, as individuals, had our right to then decide, and each took his venture. It is not delegated to us, in our representative capacity, to decide that. To us now comes upon us the issue to make a governor; if the law were so, a popular election therefor would be a farce and

a fraud, We have as much right officially to decide who is a fit person to war the crown of England as to say who is the fittest person to be governor. Any effort in that direction is usurpation of the peoples rights, They alone can decide the matter, and did decide it in November last, If I were to arrogate to myself the right to elect a governor, I would be a rebel against the law, a usurper and a political traitor.

The question presented is: Shall the contestant have the privilege of introducing his testimony to show that he, and not the present incumbent, was elected governor? Clearly demurrer will not lie to his petition, It is good on its face, and if fully proved would entitle him to recovery, All he asks is leave to make that proof. A denial of permission to him to make it is a tacit admission that his allegations are true, If it is not true that he was elected his proof could not affect contestee, and it is due to him as well as contestant that the proof should be made, If the proof is smothered how. Baxter's fame will be tarnished, and the glory of his run against the "rings" will be clouded by the dark shadow of frauds in his election. This will not be lessened by the fact that he probably was not a party to them, It is now legally charged in this contest, and the force of the charge can only be resisted by examination.

His would be considered friends thrust a knife to the heart of his fame, and will inflict a wound that the glory of a wise and honest administration would be powerless to heal if they strangle in investigation. There who vote against, and not those who vote for, permitting a contest injure the reputation of how. Baxter. The law imposes upon us the obligation of hearing and deciding contests for the office of governor, No other tribunal is known to the law for the trial of such contests for this office, If denied a hearing how contestant is precluded. The result that

should deny a hearing where it had jurisdiction, as this Body unquestionably has in this case, and where the petition was not demurrable, to the humblest individual, in a matter of the smallest amount, would be denounced by the populace, and be guilty of an impeachable offence. Who can deny a hearing to one for the highest office in the state (an office which represents the sovereignty of the state) claiming to represent a majority of the people, and petitioning in the name of that majority! The meanness of the close of the session is no excuse, unless the claim is barred by limitation - which is not claimed in this case.

A court on the last day, hour, or even minute, of the term would not deny a right even though it would be impossible to try the case; and will not deny a right, even if it be impossible to try it, though it be one of the smallest value - much less this one, involving as it is even the liberties of the people and the very life of the republic. The question is not who shall enjoy the salary and dignity of the office of governor, but it is the voice of the people in times of thunder demanding in a legal way that they be permitted to prove that a majority of them voted for the petitioner. I am asked upon the grounds of expediency to deny this right. Expediency when it carries a violation of a fundamental principle of government, like a violation of the laws of nature, will always sooner or later bring disastrous results. This is the voice of reason, of history and experience alike. The representation from Clark (Mr. Finkerday) was right when he said, in discussing the civil rights bill, that "no citizen was ever disfranchised unconstitutionally, but by the 'higher law' of expediency," & it will ever be when expediency rankles the elementary principles of government. this expediency of dis-

franchisement every where brought calamitous results.

The eloquent gentlemen representing Mississippi and Lawrence urge that expediency and the present wish of the people demand that no change should be made in the office of governor. Who gave to members of this house the right to consult of expediency in the matter of governor? It is not found in the law nor in the constitution nor is it an inherent right. It no where exists; and from any standpoint it seems simple usurpation for this legislature to exercise the right of expediency to draw act which rests absolutely and wholly and exclusively in the people. It is true that the law provides that when a contestant for that office files his petition the legislature shall declare whether or not he shall be permitted to contest, But that only involves the question whether or not the petition is good on its face — not demurrable. It belongs to any court to decide whether, upon the face of a petition, the petitioner is entitled to recover if he prove what he alleges. If not good on its face, his petition will be dismissed, leaving him full right to file another.

This authority alone is granted by the statute in this case — nothing further. Eloquent speeches have been made, and this house is now about to vote to reject this petition, high and important as it is, without reading it, Nine know what it contains except a few who have accidentally seen it. Such action is unnecessarily unwise, unprecedently precipitate, extremely rash and reckless, and is, in any view insulting to the fifty thousand people who voted for the contestant, and in the last extreme hazardous to the liberties and rights of the whole people. I cannot arrogate to myself the right to pull down the pillars of liberty, drag out the underpins of government, and trample down the respectful petition

of the people, because I happened, in the Providence of God and Capt. Hadley, to be a member of this extraordinary, disorderly body. Pitter would it be that I should pray that the mountains would fall on this House and forever crush out the roll on which, unluckily for me my name appears. "Oh what meat hum there our Carriage fed, that they hum grown so great," as thus to "lord it" over the people's votes?

But, it is said, ex pediency demands that this petition must be rejected Without reading. Expediency prompted Cromwell, after attaining a giddy height through the parliament, to say "the Lord has no further use for you." Expediency prompted Napoleon II to trample down the republican institutions through which he attained fame and power. Expediency prompted congress to reject the whole southern delegation in 1866, and also, in order to get a two thirds majority, to turn out many that were elected, and take in many that were not. Expediency was the authority for counting in and out, in the elections of 1868 and 1870. And expediency accomplished her highest work when, in the fullness of her power, and in the boldness of her action, she counted in the present delectable, all power full all expedient general assembly. After this last grand success she should be content, and the balance of her days recline upon her laurels, and cry; "Great, great is the goddess of Expediency!" In determining the balance of wrong-doing in the course pursued by both houses of this assembly, in rejecting all the contestants for seats without a hearing, and the proposed rejection in this case, it is impossible to avoid the conclusion that this is the stronger case of the two. Both houses refused contestants the right to be heard, because they had not given the contestees notice with-

in twenty days after the election, as was required by a law which had been repealed, even carrying it to the extent of refusing to hear the proof of Willcut in the Senate, and Rankin in the House, when their names were upon the roll, even up to the meeting of the legislature — thus requiring them to give the other party notice within twenty days after the election, when they were declared elected and placed upon the roll, This proposed action is even worse than that; it is not claimed that any notice must be given at any time considered, Reject this and we can we hope denounce and beat the one and yet aid in doing the greater,

I congratulate the republicans, who hitherto have done all such work, in the successful wave here perpetrated, which has bewildered some of our dearest and purest brothers and some of our brightest lights in the little democratic camp, Republicans, you are as sagacious in getting democratic endorsement as you are "eminent" in "addition, division and silence". You cried "thief and ring" and accused many of our gallant little democratic soldiers into your camp, and have induced them to give a vote in this case which will spike our guns, which have been so long firing successfully at your frauds; and when the vote is taken the rings will be found where they always are — on the side of expediency and not principle.

If the right of a majority to rule here or more sanction in law and in the hearts of the people than, to be there treated, spit upon and despised, then it may as well not have been adopted in the Mayflower engrafted in the constitution, laid at the very bottom of our superstructure, and enshrined in the hearts of the people. If this foundation be torn out from under the temple of American government and liberty, the whole edifice will tumble with a crash that will vibrate the civ-

ilized world. If this right remain firmly established we can carry mountains of corruption and throw off yokes of fraud and bribery, and resist the combined fleets and armies of Europe. Without it we cannot survive. Complete, perfect and crushing ruin will follow as soon as it is destroyed as certain as the falling of the leaves will follow the autumnal frosts. For the want of complete submission to the legally expressed wish of the majority, Mexico and the South American republics wither in interminable strife, for the absence of such submission, great and glorious France fell under a first and then a third Napoleon, and under the influence of which she falteringly clings to this central, this indispensable, absolutely essential principle, she will succumb to another, as long as this elementary principle is secure in our system nothing can destroy us. No Cæsar or Napoleon can, while this lives, enslave our people. When it is gone we will welcome such an one. With these views I should be compelled if Washington, whose unlikely eyes never look down upon me, were seated as governor, and if Arnold were to file a sworn petition setting forth that he had a majority, and asking to introduce the proof I should hear him and vote; if he proved it, I would vote that he was entitled to his seat. Then would I vote this center stone of the republic, and, if he, after being in, should violate the law, the remedy would be impeachment, not by committing suicide.

If all the gold in the world should be heaped in one pile, I would not vote to go to war about it, but, if a president, should be elected by one majority out of the millions of votes in the nation, and the minority candidate should usurp

the office and refuse to entertain proof in a lawful way - if the majority did not go to war to maintain this principle high above all price, they would be unworthy to bear the names of their heroic sires who marked the snows with their bare and bleeding feet, bewidowed their wives and orphaned their children to establish it.

With these opinions, I dare not consider such questions, as the meaning of the close of the session, who will make the best governor, who will lose office by my course, or what the navy will do. High above all, there stands the eternal rock of the majority principle.

On this I stand. Nothing but determinement of reason can drive me therefrom. Our duties are so simple that a child may understand them; simply grant the petitioner the privilege to introduce his proof and then count the votes, and then declare who has the greater number. More than this no one could not do; less we should not do.

Then I can simply vote to let the petitioner try in his proof, and I do it with the certainty of defeat; but I have this consolation, that if it should ever be my sad fate to see all whelmed in indescribable chaos again, on account of the destruction of the majority principle, I can look back through the smoke of our many armed revolution, and see in my humble life no feather's weight that I had ever laid upon the vitals of the body politic to aid in crushing it out.

Mr. Mathews subsequently sent to the clerk's desk the following explanation of his vote, viz:-

Mr. Speaker: As a variety of views and opinions have been presented upon the constitutional and legal bearings upon this question, during its discussion on the floor of this house, I desire, sir, to offer this short explanation of my vote. In the first place, sir, I hold that, when the law provides that the year and nays shall

be taken, as is the case, upon the reception or rejection of petitions, of this character. that both affirmation and negation votes are constitutional and legal, and further. I desire to say that, I do not intend my vote upon this question to indicate any expression of opinion, as to the merits of the question.- as to who is entitled to the gubernatorial chair. But simply to express it as my opinion, that neither the demands of justice to the contestant require, nor the interests of the people permit or justify, the entertainment of this petition for contest, presented as it is at this late day of an already prolonged session, and under the peculiar circumstances with which we are surrounded, prompting its presentation: nor do I believe that the manner in which contests have been previously conducted and acted upon by this general assembly, warrant the conclusion that a fair and impartial investigation of the case would be had.- yet if the petition had been presented earlier! my vote would have been different, but under the time is fixed ~~as~~ for final adjournment, and, not being sufficient for an investigation of the matter. I certainly feel it to be my duty to vote in favor of its rejection: So. I vote aye.

Mr. Robinson, subsequently, sent to the clerk's desk the following explanation of his vote. viz:-

Mr. Speaker: The principle of American government, that underlies the whole structure, is that the people shall rule, and a deviation from this bulwark of the commonwealth, must inevitably lead to not only popular indignation, but the destruction of the government itself. If which may have been the actual status of the vote lately cast in the November election; the vexed questions growing out of that contest have been settled by the highest tribunal known to the law. It is a fact, sir, that the votes that were cast in accordance

with the demands of the law, were opened by the pub-
ic constituted authorities in the presence of that
body known as the direct representatives of the
people, and in their name, proclaimed to them and
to the world, that Elisha Baxter was the legiti-
mate and lawful governor of the state, and the
people have unmistakably echoed that it is
well! Sir, in the name of Peace, in the name
of the sovereign people, who demand peace, in
the name of our suffering state, in the name
of the future glory of our commonwealth, that
harmony shall be our cloud of protection, I
vote, aye!

Mr. Walker subsequently sent to the
clerk's desk the following explanation of his
vote, viz:-

Mr. Speaker: I am of opinion that it is
certainly the privilege of the petitioner to come
before this body for a hearing - to have his claims
to the gubernatorial chair of the state of Ark-
ansas fully investigated, But at this late date
within five days of the close of the session could
certainly result in no good either to the peti-
tioner or to the people of the state of Arkansas
as an investigation could not under the
most favorable circumstances be concluded
during the remainder of this session, therefore I
feel that it is my duty to my constituents
and to the whole people of the state of Arkan-
sas to cast my vote to reject this petition.
I vote aye.

The Speaker (Mr. Faulkenberry) subse-
quently sent to the clerk's desk the following
explanation of his vote, viz:-

I desire to offer the following explanation
of my vote on the proposition now before the
House.

Mr. Joseph Brooks has presented to
this House a petition in the nature of a
contest for the office of Governor of this state.
In this petition he has made allegations
of various frauds and other illegal and

extraordinary proceedings by which he was wrongfully, unjustly and unconstitutionally deprived of the office of governor by the respondent, and present occupant of said office, and to which he claims he was elected by a large majority of the legal votes of this state voting at the legal polling places in this state in the recent election wherein he and the respondent were candidates.

The constitution and laws of this state prescribe where, and in what manner and form the petitioner shall seek for a redress of his aggrievances and the recovery of his rights under that constitution, and under and in pursuance of the statutory laws of the state.

Mr. Brooks presents his petition and prays an investigation into the facts which he alleges therein and which he avers are substantially correct and true. In this respect Mr. Brooks has availed himself of the only remedy pointed out in the constitution and laws of this state, by which a determination of his rights in the premises can be had. Certainly if the allegations made by Mr. Brooks in his petition be proven true, then Mr. Brooks was elected governor of Arkansas, and is of right entitled to the office of which he claims that he is wrongfully and unjustly deprived. If his allegations are false, then to a great extent, it would be manifestly unjust to deprive the respondent and present occupant of the office of investigation prayed for by the petitioner in order that he may not thereafter labor under the injurious imputation of holding an office in which public confidence has not placed him and where frauds in election may have outraged and stifled the voice of a free people. For my own part, I am not prepared to accept the correctness of all the statements made by Mr. Brooks in his petition without the adduction of corroboration proof; but certainly, it is as much the unquestionable

right of Mr. Brooks to him an opportunity for the presentation of such proof, as it is the right of any one to question his ability to produce it. It is well known that in the recent gubernatorial canvass I was a warm supporter of gov. Baxter and a political opponent of Mr. Brooks. Notwithstanding this I can ill afford now to say that Mr. Brooks has no rights to be respected or else wrongs to be redressed if he and through him the people, have been deprived temporarily of their rights or are suffering under the infliction of wrongs. Mr. Brooks received the warm support of the democracy of this state, and every democratic representative on this floor of this House was elected on the same ticket with Mr. Brooks. In explanation of their votes on the rejection of Mr. Brooks petition, they have openly declared their belief of the facts set forth in his petition and him voted to reject that petition and to ignore the prayer thereof. As a reason for this singular conduct they say that it is impolitic and inexpedient to redeem Mr. Brooks petition and act thereon even though they allege Mr. Brooks to have been overwhelmingly elected because the facts set forth by Mr. Brooks will be proven true and they are apprehensive that Mr. Brooks will not be as satisfactory to them now as the respondent.

In some respects these reasons might and do actuate me to same conclusions, but I cannot endorse the reasons as good in order to deprive Mr. Brooks of his clear and constitutional right to be heard. In a despotic autocratic, aristocratic, or monarchical government it matters not who is the ruler of a people or by what means his or her accession to power is acquired, so that the beneficent just and wise disposition and execution of the public affairs of administration are uniformly observed, but in a free government where the voice of the people should their own domestic politics and give tone, force and effect to public laws:- where constitutions

restrict the exercise of unwarranted and plenary authority and prescribe the boundaries of the executive, legislative and judicial powers of government: where the stability of the governmental structure rests upon a respect due to the voice of a people proclaiming their own choice of government and of those into whose hands its administration is to be entrusted, I cannot vote for the rejection of the petition for the same inconsistent reasons as those given by other representatives to whom Mr. Brooks, on account of his political identification, should look for and at least expect, support and cooperation. I shall vote for the rejection of this petition for other and in my opinion if not the best, certainly better reasons than those already alluded to. To endorse the opinion that under our constitution Mr. Brooks has not an unmistakable right to be heard in this matter is absurd. To say that under that same constitution it is not our duty to grant his prayer is still more absurd! But our constitution is almost dead! It is true it has a strange and extrinsic life, still lingering in it, but it is treasons and pallid; the representations who are sworn to defend it have already indicated their willingness to ignore its force; its injunctions are disregarded, and its requirements are contemned.

What, then if the constitution does guarantee Mr. Brooks the rights he claims, should an exception be made in his case to carry out the forms of a constitution which is already robbed of its essence?

The fact is to make a candid confession, the mistake of many representations and of Mr. Brooks is in supposing that there is in Arkansas such a free and republican form of government as must needs require the acquiescence of the people in everything pertaining thereto which Fortune in the inaccountable freaks of her wheel, discloses to the world. Whether this want of the American idea

in the government of this state is attributable to the machinations of corrupt politicians or to the indifference of the people to the constitution in which they allege they have had but little to do in the construction I am not now prepared to say; but according to my conceptions of free government I do say and believe that there is not nor has been in Arkansas since our last war any other than an imperious and despotic government; in this respect however I do not believe that Arkansas is unlike many other states of the Union, nor that a change in their condition will be effected until the people have been enlightened with wisdom and taught by the fortuitous progress of approaching events that they make the best rulers and the rulers who are more enlightened and have less freedom in their national concerns.

I shall vote aye because governor Baxter is in and Mr. Brooks is out.

Under other circumstances I should vote to pay some regard to the alleged voice of the people but I must give little regard to that voice now when the people give less to it themselves.

Whether elected or not, I believe that through Gov. Baxter a return to good government may be had, and the great voice of a great people will be once more respected and the danger of an absolute wreck of every free institution averted.

These results might be achieved under the administration of Mr. Brooks, but the consideration of needful laws by the General Assembly would be hindered by the investigation prayed for. I can see no other cause, therefore, for Mr. Brooks, than to encircle himself in this contest with the reflection that the constitution has lost its charm and to hope that possibly in the not far distant future order may come out of chaos to reveal the fact that the people know not what they want or if they do.

they know not the means by which they can effect by their ambition. I vote aye, for the rejection of the petition.

The vote was then announced as a tow.

And then,

On motion of Mer. J. H. Berry,

The House at 3 o'clock and 16 minutes P.M. adjourned until 10 o'clock A. M. of Monday, April 21, 1873.

Approved

Chas M Barkley Speaker.

Attest

Humphreys Clerk.

Monday, April 21, 1873.

The roll being called it appeared, that the following named members were present and answered to their names, viz:

Messrs. C. E. Berry, Chas. E. Bunn, Burdett, Chapline, Cleveland, Levi Chapman, Cummings, Davis, Dunn, Eagle, Fox, Fridley, Gist, Hazlett, Grisson, A. M. Hankins, O. S. Hankins, Harris, Hynds, J. H. Johnson, Joyner, Kingston, Kent, Lee, Wm. Murphy, McLeod, Marshall, Merritt, Mitchell, Nunn, Page, Preston, Pindell, Rawlins, Reid, Robertson, Robinson, Shipley, Sheppard, Speare, Stephenson, Stephenson, Story, Sumpter, Stewart, Turner, Thorn, Thornberry, Thurman, Walker, Williams, Wright, The Speaker:

Prayer by the Rev. Mer. H. H. Hillman

The journal of Saturday, April 19, 1873, was read and approved.

On motion of Mer. Sarber,

The House proceeded under the order of unfinished business to consider the substitute for the bill of the Senate (Sub. S. 57) entitled, An act to make an appropriation to purchase the Petit Jean river from its

confluence with the Arkansas river to Dardanelle, together with the report of the Committee on Internal Improvements recommending its passage.

When,

Mr. Gwin rose from the same committee submitted the following minority report thereon, viz:-

Mr. Speaker: Your committee to whom was referred S. B. No 37 have had the same under consideration and beg leave to make the following report; that there has been many measures introduced since the organization of the House that are as beneficial as this and more so, but owing to the fact that our state finances, are already verging on bankruptcy, and owing the bonds of our ablest and best financiers, presenting to them a problem that none of them are able to solve, I cannot recommend the passage of any measure making an appropriation of the amount this desires, without there is a greater necessity for the same I would therefore recommend the rejection of the bill.

Mr. Barker moved that the reports of the committee lie on the table and that the bill be read a third time and placed upon its passage.

Mr. Stewart asked for the year and nays.

The question being put.

It was decided in the negative - yeas 32, nays 38.

The year and nays being demanded by five members.

Those who voted in the affirmative are:-

Messrs.

Berry, C. E.
Chapline.
Cobell.
Coit.
Copeland.
Davis.
Fox.
Fribush.
Hopkins, A. M.
Harris.
Irby.

Messrs.

Marshall.
McGehee.
Miller.
Nunn.
Paye.
Barker.
Quigley.
Shapard.
Spears.
Stephenson.
Shepperson.

they know not the means by which they can
satisfy their ambition. I vote aye, for the
rejection of the petition.

The vote was then announced as a
tow.

And then,
On motion of Mr. J. M. Berry,
The House at 3 o'clock and 16 min-
utes P.M. adjourned until 10 o'clock A.
M. of Monday, April 21, 1873.

Approved
Chas. M. Barkeley Speaker.
Attest
Henry M. Coffin Clerk.

Monday, April 21, 1873.

The roll being called it appeared that the
following named members were present and
answered to their names, viz:

Messrs. C. E. Berry, Chas. F. Bunn, Baldwin,
Bab. Chapline, Cleveland, Lieut. Chapman,
Cummingham, Davis, Dunn, Eagle,
Fox, Fulbright, Gist, Gossett, Grisham, A.
M. Hankins, O. F. Hankins, Harris, Hynds,
J. M. Johnson, Joyner, Kingston, Kent, Lee,
Wm. Murphy, McLeod, Marshall, Mer-
ritt, Mitchell, Nunn, Page, Preston, Pur-
dull, Rawlins, Reid, Robertson, Robinson,
Shipley, Sheppard, Speare, Stephenson,
Stephenson, Sturgy, Sumpter, Stewart,
Turner, Thorne, Thornberry, Thornburg,
Walker, Williams, Wright, The Speaker:

Prayer by the Rev. Mr. G. G. Gillam

The journal of Saturday, April 19, 1873,
was read and approved.

On motion of Mr. Barker,

The House proceeded under the order of
unfinished business to consider the sub-
stitute for the bill of the Senate (Sub. S. 57) en-
titled, An act to make an appropriation
to repair the Petit Jean river from its

confluence with the Arkansas river to Dardanelle, together with the report of the Committee on Internal Improvements recommending its passage.

When,

Mr. Gibson from the same committee submitted the following minority report thereon, viz:-

Mr. Speaker: Your committee to whom was referred S. B. No 37 have had the same under consideration and beg leave to make the following report; that there have been many measures introduced since the organization of the House that are as beneficial as this and more so, but owing to the fact that our state finances are already verging on bankruptcy, engaging the minds of our ablest and best financiers, presenting to them a problem that none of them are able to solve, I cannot recommend the passage of any measure making an appropriation of the amount this bill desires, without there is a greater necessity for the same I would therefore recommend the rejection of the bill.

Mr. Barker moved that the reports of the committee lie on the table and that the bill be read a third time and placed upon its passage.

Mr. Stewart asked for the yeas and nays.

The question being put.

It was decided in the negative- yeas 32, nays 38;

The yeas and nays being demanded by five members.

Those who voted in the affirmative are:-

Messrs.

Berry, C. E.
Chapline.
Corbell.
Cox.
Copeland.
Davis.
Fox.
Fruitcish.
Hankins. A. M.
Harris.
Jarboe

Messrs.

Marshall,
McGehee,
Millen,
Nunn,
Paye,
Barker,
Spriggley,
Shapland,
Spears,
Stephenson,
Shepperson,

Messrs.

Johnson, Adam
Johnson, J. W.
Lee,
Murphy, J. M.
Murphy, Wm.

Messrs.

Stacy,
Tinnin,
Warwick,
White,
The Speaker,

There who voted in the negative are:-

Messrs.

Berry, J. W.
Byrum, Saml
Byrum, Chas. T.
Bridenthal,
Cleveland,
Chandler,
Cunningham,
Eagle,
Fowler,
Gist,
Gilbreath,
Gravely,
Grissom,
Hopkins, Monroe
Haynes,
Harley,
Kent,
Lyon,
Latta

Messrs.

Merritt,
McKeithan,
Mallory,
Mitchell,
Preston,
Pindall,
Rankins,
Reid,
Robertson,
Robinson,
Sumpter,
Stewart,
Thomas,
Thurman,
Tilley,
Thornburg,
Walker,
Williams,
Wright.

So the motion was not agreed to.,

Mr. Pindall moved that the minority report of the committee be adopted.

Mr. Robinson moved as a substitute that the further consideration of the bill be indefinitely postponed.

Mr. Sarber asked for the yeas and nays.

The question being put,

It was decided in the affirmative,- yeas 35, nays 32,

The yeas and nays being declared by five members.

There who voted in the affirmative are:-

Messrs.

Berry, J. W.

Messrs.

Merritt,

Messrs.

Bunn, Neal
Bunn, Chas. F.
Brodenthal,
Chandler,
Cunningham,
Eagle,
Fisher,
Gist,
Gilbreath,
Gossett,
Grissom,
Hawkins, Marion
Haynes,
Harley,
Kent,
Lynn,
Latta,

Messrs.

McKeigh,
Matheny,
Mitchell,
Preston,
Pyndall,
Reid,
Robinson,
Sumpter,
Stewart,
Thynne,
Thomas,
Tillar,
Turnbow,
Walker,
Williams,
Wright,

Those who voted in the negative are:-

Messrs.

Berry, C. E.
Chaplin,
Cobell,
Coit,
Dane,
Fox,
Finbush,
Hopkins, A. M.
Harris,
Jordyn,
Johnson, Adam
Johnson, J. H.
Kingston,
Lee,
Murphy, J. Mc.
Murphy, Wm.

Messrs.

McGehee,
Miller,
Nunn,
Page,
Rivers,
Sartin,
Shipley,
Shapland,
Spears,
Stephenson,
Sheppeard,
Sharp,
Trotter,
Warwick,
White,
The Speaker,

So the further consideration of the bill was indefinitely postponed.

Under the rule,

Mr. Kent submitted the following resolution, which was read, considered and disagreed to,

Resolved. That the rule setting apart Wednesdays for the consideration of Senate bills be rescinded.

On motion of Mr. Gilbraith,

Leave of absence was granted Mr. W.H. Cate for 6 days dating from Saturday April 19, 1873.

On motion of Mr Lynn

Leave of absence was granted Mr. Hoit. Beasley for 5 days.

A message from the Senate by Mr. Orrick their secretary, viz:-

Senate Chamber, April 21, 1873.

Mr. Speaker: I am instructed by the Senate to inform your honorable body of the passage by the Senate of House Bill No. 66, entitled An act to change the boundary lines of Woodruff, Monroe and Poinsett counties with certain amendments thereto and herewith respectfully transmit the same.

Under the operation of the previous question,

On motion of Mr. Millen.

Ordered. That the forenoon up to the hour of 11 O'clock and 50 minutes A.M. each day be set apart for the consideration of bills of the Senate.

Mr. Millen moved that the rule adopted by this House limiting members to ten minutes in debate be so construed as to prohibit members from loaning out their time to each other, and that it is the sense and order of this House that no member failing to use his time has either authority or power to give the same to another.

Which was not agreed to.

Under the rule,

On motion of Mr. Kent,

The House proceeded to consider the bill of the Senate (S. 36) entitled An act concerning the par value of shares

of stock in incorporated companies.

Which was read a first time,

By unanimous consent.

Under a suspension of the rules,

The bill was read a second time by title, and

On motion of Mr. Kent,

Was referred to the Committee on the Judiciary.

On motion of Mr. Fox,

The House proceeded to consider the substitute for the bills of the Senate (Sub. S. 88, 104) entitled An act to amend the code of civil practice.

By unanimous consent,

Under a suspension of the rules,

The bill was read a first and second time by title,

On motion of Mr. Fox,

The rules were further suspended by unanimous consent, and

The bill was read a third time and placed upon its passage.

The question being put, Shall the bill pass?

It was decided in the affirmative, — yeas 62, nays none, not voting 20.

Those who voted in the affirmative are:

Messrs.

Berry, G. E.,
Berry, J. H.,
Bohm, Neal,
Byrne & Hogg, J.,
Bridenthal,
Chapline,
Cobell,
Cleveland,
Coit,
Chandler,
Chapman,
Crowley,
Cunningham,
Davis,
Ermin,
Eagle,
Ingram,
Kingston,
Kent,
Latta,
Murphy, J. H.,
Merryday, Wm.,
McLeod,
Merritt,
Mullen,
McVeigh,
Matheny,
Munn,
Page,
Pindall,
Reed,
Robertson,

Messrs.

Fox,
Fairbrush,
Foster,
Gist,
Gazzett,
Gipson,
Hankins, Wilmer
Hankins, A. M.
Hankins, O. S.
Harris,
Hynds,
Hanley,
Irby,
Johnson, Adam
Johnson, J. H.,

Messrs.

Robinson,
Speas,
Shepherd,
Story,
Sandefer,
Stewart,
Thurman,
Thomason,
Tillar,
Tunstall,
Vaught,
Walker,
Williams,
Wright,

Nine voting in the negative.

There absent or not voting are:-

Messrs.

Beardsley,
Beasley,
Copeland,
Cate,
Gilbreath,
Lee,
Lynn,
Marshall,
McClellan
Mitchell,

Messrs.

Overton,
Parish,
Rankins,
Saxon,
Shipley,
Shapleigh,
Stephenson,
Turner,
Wheat,
The Speaker.

So the bill was passed.

Mr. Fox moved that the vote last taken be reconsidered and also moved that the motion to reconsider be laid on the table; which latter motion was agreed to.

A message from his Excellency the Governor by Mr. McCampman his private secretary, who, by unanimous consent, read the same as follows.

Executive Office. Little Rock, Ark. April 21, 1873.

To the House of Representatives of the State of Arkansas:

Gentlemen:- I have signed and approved

House Bill entitled "An act for the benefit of Pleasant Hill Academy in the county of Greene," also House Bill entitled "An act to establish an Institution to be known and called the Arkansas State Lunatic Asylum", Also House Bill entitled "An act to create the county of Stone and for other purposes." Also House Bill entitled "An act to prevent fraud against the revenue and for other purposes" also House bill entitled "An act for the relief of engineers employed by the Commissioner of Public Works and Internal Improvements." Also House Bill entitled "An act to create the county of Lee and for other purposes." Also House Bill entitled "An act to define and establish the boundary lines between the counties of Columbia and Nevada." Also House Bill entitled "An act to encourage the breeding and raising of fine horses and mules." Also House Bill entitled "An act supplemental to an act to create the county of Baxter, approved March 24th 1873." Also House Bill entitled "An act for the relief of collectors of revenue, and for other purposes." also joint resolution of the General Assembly instructing the Attorney General to file a bill in equity in some court of competent jurisdiction to set aside the sale of all Real Estate Bank Lands sold to one E. R. Knight in Crittenden county," all of which are herewith returned,

Elisha Baxter.
Governor of Arkansas.

On motion of Mr. J. H. Johnson

The House proceeded to consider the bill of the Senate (S. 164) entitled An act to make provision whereby certain counties in the State of Arkansas may become subscribers to the capital stock of the White River Improvement and transportation company.

Which was read a first time.

By unanimous consent,

Under a suspension of the rules.

The bill was read a second time by title,

On motion of Mr. J. H. Johnson,
The rules were further suspended, by unanimous consent, and
The bill was read a third time and placed upon its passage.
The question being put. Shall the bill pass?
It was decided in the affirmative, — yeas 51, nays 4, not voting 27.
Those who voted in the affirmative are:-

Messrs.

Berry, C. E.,
Berry, J. H.
Bibb, Reed
Bynum, Chas. F.
Bridenthal,
Cobbell,
Cleveland,
Copeland,
Chandler
Chapman,
Crowley,
Cunningham
Fox,
Fairbush,
Foster,
Gist,
Gilbreath,
Garrett,
Hawkins, A. M.
Harley,
Johnson, Adam
Johnson, J. H.
Joyner,
Livingston,
Latta,
Murphy, J. M.

Messrs.

Murphy, Wm,
Marshall,
Mullen,
McVeigh,
Matheny,
Mitchell,
Nunn,
Page,
Preston,
Reid,
Robertson,
Robinson,
Speas,
Stephenson,
Shipperson,
Strong,
Sandifer,
Stewart
Skinner,
Thorn
Thurman,
Thornburg,
Warnock
White,
Williams.

Those who voted in the negative are:

Messrs.

Eagle,
Pindall,

Messrs.

Shrigley,
Walker.

Those absent or not voting are:-

Messrs.

Beardsley
Bearsley
Chapline,
Cox,
Cate,
Davie
Ervin,
Grissom.
Hankins, O.S.
Hankins, Mervin
Harris.
Hynds
Jolyn.
Kezit,

So the bill was passed.

Mr. J. H. Johnson moved that the vote last taken be reconsidered and also moved that the motion to reconsider be laid on the table: which latter motion was agreed to.

A message from the Senate by Mr. Dunick their secretary, viz:-

Senate Chamber, April 21, 1873,

Mr. Speaker: I am instructed by the Senate to inform your honorable body of the passage by the Senate of Senate bill No 171 entitled A bill to be entitled an act to provide for the crossing of railroads by other railroads,

Also S. B. No 184 entitled A bill to be entitled an act in relation to the forfeited lands in certain counties in the state of Arkansas.

Also, Senate Bill No. 194, entitled An act to authorize counties, cities and towns to issue bonds for the purpose of building and the building and bridges and providing for the registration of such bonds, and herewith respectfully transmit the same

The hour set apart for the consideration of bills of the Senate having expired the House resumed consideration of the business under the rules setting apart Mondays for the introduction of bills, resolutions and

Messrs.

Lee.
Lynn,
McLeod.
McGehee,
Merritt.
Parnish.
Rawlins.
Sabin.
Sharpand.
Tillar.
Wheat,
Wright.
The Speaker.

reports of committees.

When,

Mr. Dunbar introduced a bill (H. R. 330) entitled An act to pardon certain parties engaged in political troubles,

Which was read a third time

Mr. Kingston moved that the further consideration of the bill be indefinitely postponed.

Mr. Corbett moved as a substitute that the bill lie on the table.

Which was not agreed to.

The question recurring on the motion that the further consideration of the bill be indefinitely postponed.

Mr. Copeland moved as a substitute that the bill lie on the table subject to the call of the House,

Which latter motion was agreed to.

Mr. Davis introduced a bill (H. R. 357) entitled An act to prevent drunkards from holding office in the state,

By unanimous consent,

Under a suspension of the rules,

The bill was read a first and second time by title,

Mr. Chapline moved that the rules be further suspended, and that the bill be read a third time,

Mr. Thurman moved that the bill be referred to the Committee on the Judiciary,

After debate.

Mr. Chapline moved the previous question which was seconded and under the operation thereof the motion was disagreed to.

The question recurring on the motion that the rules be suspended and that the bill be read a third time,

Pending the consideration of the motion

A message from the Senate by Mr. Orrick their Secretary, viz:-

Senate Chamber April 21, 1873.

Mr. Speaker: I am instructed by the Senate to inform your honorable body of the passage by the Senate of House Bill No. 348 entitled an act to be entitled an act amendatory of and supplementary to an act entitled An act to provide for clerks of circuit court in certain counties, and define their duties and hereafter, return the same.

Also senate joint resolution No. 14 entitled joint resolution raising a committee to investigate the alleged frauds in relation to the Holford lands and herewith respectfully transmit the same

The question being on the motion that the rules be suspended and that the bill be read a third time by title

Mr. Sumpter moved that the bills be referred to the Committee on the Judiciary with instruction to report by 11 o'clock A.M. on the morrow.

After debate,

Mr. Chapline moved the previous question which was seconded and under the operation thereof the motion was disagreed to,

The question again recurring on the motion that the rules be suspended and that the bill be read a third time.

It was not agreed to (two-thirds of the members present not voting therefor).

Mr. Kent at 12 o'clock and 32 minutes P.M. moved that the House take a recess until 2 o'clock P.M.

Mr. Thornburg moved that the House take a recess until 7 o'clock and 30 minutes P.M.

Mr. Sumpter moved that the House take a recess until 3 o'clock P.M.

Mr Crandall moved that the House adjourn

Which was not agreed to.

The question recurring on the motion that the House take a recess until 3 o'

clock, P.M.
It was ag reed to.
And thereupon,
The House at 12 o'clock and 34 minutes, took a recess until 3 o'clock, P.M..

After the Recess.
The House met at 3 o'clock P.M.
The roll being called it appeared that the following named members were present and answered to their names, viz:—

Messrs.

Berry, C. E.
Berry, J. H.
Byrns, Paul
Bynum, Chas. F.
Brickenthal,
Chapline,
Cobell,
Cleveland,
Cox,
Copeland,
Chandler,
Chapman,
Cowley,
Cunningham,
Davis,
Dunn,
Eagle,
Fox,
Foster,
Fyrbush
Gant
Garrett,
Grissom,
Hankins, A. M.
Hankins, Thos.
Harris,
Haynes,
Harley
Johnson, Adam
Johnson, J. A.,

Messrs.

Kent,
Lynn,
Murphy, J. M.
Murphy, Thos.
McClelland,
Marshall,
Merritt,
Mullen,
Matheny,
Mitchell,
Page,
Preston,
Pindell,
Rankins,
Reid,
Robertson,
Robinson,
Shipley,
Shepherd,
Spears,
Storey,
Sculpter,
Stewart
Turner,
Thomas,
Thomason,
Tillar,
Walker,
Williams,
Wright,

Messrs. Messrs.

Joyner The Speaker,

Mr. Furbush gave notice that he would, at some future time; move to reconsider the vote by which the House indefinitely postponed the further consideration of the substitute for the bill of the Senate (Sub. S. 57) entitled An act to make an appropriation to improve the Petit Jean river from its confluence with the Arkansas river to Dardanelle.

Mr. Cox introduced a bill (H. R. 352) entitled An act amendatory and supplementary to an act to provide for circuit clerks of certain counties and define their duties

By unanimous consent,

The bill was read a first time by title.

Mr. Cox moved that the rules be suspended and that the bill be read a second time,

Which was not agreed to (two-thirds of the members present not voting therefor)

Mr. Fox introduced a bill (H. R. 354) entitled An act to authorize the governor to approve bonds of certain officers,

Which was read a first time,

And,

On motion of Mr. Warwick,

Ordered. That the bill lie on the table.

Mr. Jolly introduced a bill (H. R. 353) entitled An act to amend section 1 of an act to divest the swamp and overflowed lands in the Champagnolle swamp land district as stock in the Mississippi, Ouachita and Red River Railroad Company.

By unanimous consent,

The bill was read a first and second time by title, and

On motion of Mr. Neal Berry

Ordered. That the bill lie on the table and be made special order subject to the call of the House,

Mr. White from the select committee

appointed to confer with the Arkansas State Medical Association in regard to vaccination introduced a bill (H. R. 365) entitled An act to encourage vaccination in this state, and also submitted the following report thereon, viz:-

Mr. Speaker,- Your committee to whom was referred House Resolution No. 4 under which resolution the committee was appointed, and under which they were instructed to confer with the "Arkansas State Medical Association" in reference to the enactment of a law providing means for the protection of the people of this state against the malady of small pox, by vaccination, beg leave to report, that they have had under consideration the subject matter of said resolution but have been unable to obtain assistance from the state medical association, because there has been no session of such body since the passage of such resolution. Your committee have however conferred with members of the state medical association and also with the Pulaski county medical association as a body, to all of whom they feel under special obligations. They each and all have manifested in the subject under consideration as well as for the valuable aid rendered. Your committee would further say that a law making vaccination compulsory is not in their opinion practicable if indeed it would be just to the people concerned and a bill is herewith submitted, which, if it should become a law will in the opinion of the eminent medical gentlemen referred to be production of much good, and your committee concurring therein would respectfully recommend and urge its passage.

L. C. White.

G. M. Latta.
J. H. Williams,

The bill was read a first time.
Objection being made thereto, and
The question being put, Shall the bill be rejected?
It was decided in the affirmative, and
The bill was accordingly rejected.

Mr. Coit, from the Committee on Engrossed Bills reported correctly engrossed the bill of the House (H. R. 308) entitled an act to abolish the office of Tax assessor in certain counties and for other purposes.

Also the bill of the House (H. R. 332) entitled An act for the relief of the securities of Elizabeth Thomas late of St. Francis county.

And.

Also submitted the following report, viz:-

Mr. Speaker: Your Committee on Engrossed Bills recommend and urge that a clerk and janitor employed by the chairman of the committee be paid full time.

W. B. Coit,
Chairman
H. H. Robinson.
J. C. Rawlins.
L. B. Mitchell.

The report of the committee was adopted and the motion was accordingly agreed to.

On motion of Mr. Fox

The House proceeded to consider the bill of the House (H. R. 119) entitled An act to provide for the election of justices of the peace,

Which was read a third time.

And,

On motion of Mr. Warwick

The bill was recommitted to the Committee on the Judiciary for the purpose of amendment.

Mr. Turbush introduced a bill (H. R. 336) entitled An act to authorize certain parties to construct a levee.

Which was read a first time.

By unanimous consent

Under a suspension of the rules.

The bill was read a second time by title.

On motion of Mr. McGehee.

The rules were further suspended (two-thirds of the members present voting therefor) and

The bill was read a third time and placed upon its passage.

Mr. Neal Brown moved the previous question which was seconded and the main question ordered, viz: Shall the bill pass?

The question being put,

It was decided in the affirmative,—yeas 57, nays 1, not voting 24.

Those who voted in the affirmative are:

Messrs.

Berry, C. E.
Brown, Neal
Brown, Chas. F.
Bridenthal,
Chaplin,
Cobell,
Cleveland,
Copeland,
Chandler,
Crowley,
Erwin,
Eagle,
Fox,
Fairbush,
Foster,
Gist,
Gilbreath,
Garrett,
Gunn,
Hankins, Mercer
Harris,
Hynds
Harby,
Jolly,
Johnson, Adam
Johnson, L. H.
Joyner,
Kingston,

Messrs.

Lynn,
Murphy, J. H.
Murphy, Wm.
McGehee,
Merritt,
Mullen,
McVeigh,
Matheny,
Mitchell,
Nunn,
Page,
Preston,
Reid,
Robertson,
Robinson,
Spears,
Stephenson,
Shepherd,
Sligg,
Sumpter,
Stewart,
Joyner,
Thomason
Tillar,
Warwick,
White,
Walker,
Williams,

Messrs.
Kent,
Voting in the negative,
Mr. Shrigley,
Those absent or not voting are:-

Messrs.

Berry, J. M.
Beardsley,
Bearley,
Britt,
Chapman,
Cate,
Cunningham,
Dyer,
Hankins. A. M.
Hankins. O. S.
Lee,
Latta

Messrs.

McLeod,
Marshall,
Pindall,
Parish,
Rawlins,
Sarber,
Shoenberg
Shappard,
Timmy,
Wheat,
Wright,
The Speaker,

So the bill was passed.

Mr. Reid moved that the vote last taken be reconsidered and also moved that the motion to reconsider be laid on the table; which latter motion was agreed to.

Mr. Reid introduced a bill (H. R. 357) entitled An act providing for the pay and compensation of members and officers of the General Assembly, and for other purposes.

By unanimous consent,

The bill was read a first and second time by title;

And

On motion of Mr. Reid.

Was referred to the Committee of Ways and Means.

Mr. Warnick introduced a bill (H. R 338) entitled An act supplemental to an act entitled An act to incorporate the Little Rock and Fort Smith Railroad Company. approved January 22, 1855.

Which was read a first time,

By unanimous consent,

Under a suspension of the rules.

The bill was read a second time by title, and,

On motion of Mr. Millen,

Was referred to the Committee on the Judiciary.

Mr. Warnick, also, introduced a bill (H. R. 359) entitled An act to extend the time for the collection of taxes in the counties of Hempstead and Pope.

Which was read a first time,

By unanimous consent,

Under a suspension of the rules.

The bill was read a second time by title,

On motion of Mr. Shepperson.

The rules were further suspended (two-thirds of the members present voting therefor,) and

The bill was read a third time and placed upon its passage.

Mr. Chapline moved the previous question, which was seconded and the main question ordered, viz:- Shall the bill pass?

The question being put,

It was decided in the affirmative.—yeas 58, nays 5, not voting 19.

Those who voted in the affirmative are:-

Messrs

Berry, C. E.
Brown, Chas. F.
Brizendine,
Chapline
Cleveland.
Coit.
Conley,
Cunningham,
Ennis.
Eagle,
Fox.
Fruitrush,
Hyde,
Gilbreath,
Hyslett,
Grissom.

Messrs,

Lynn,
Latta,
Murphy, J. M.
Murphy, Thos.
Marshall,
McGehee,
Meyett.
Millen.
McVeigh,
Matheny.
Smith.
Page,
Preston
Rawlins,
Reid,
Robinson,

Messrs.
Hankins. A. Mc.
Hankins. O. S.
Hankins. Munro
Hans.
Hynds.
Harley.
Jordyn.
Johnson. Adam
Johnson. J. Mc.
Joyner.
Kingston.
Kent.
Lee.
Lyon.

who voted in the negation are:—

Messrs.
Chandler
Pindall.
Shrigley.

Those absent or not voting are:—

Messrs.
Berry. J. Mc.
Beardsley.
Bunn. Wm.
Bearley.
Cybell.
Copeland.
Chapman
Cate.
Davis.
Foster.
McLeod.
Mitchell.

Messrs.
Sarles.
Spears.
Stephenson.
Shepperson.
Strong.
Stewart.
Turner.
Thurman.
Tilson.
Thurburg.
Warwick.
Williams.
Wright.

Messrs.
Shappard.
Sumpter.

Messrs.
Parish.
Robertson.
Thynne.
White
Wheat.
Walker
The Speaker.

So the bill was passed.

Pending the vote.

Mr. Shappard (when his name was called) sent to the clerk's desk the following explanation of his vote, viz:—

Mr. Speaker; In explanation of my vote I desire to say that there has been no legal assessment of taxes in Pope

county for the year and can be no legal collection till the assessment has been in some way legalized. and because the passage of this bill would as I think, lead to expensive litigation and trouble in Pope county, I vote no.

The vote was then announced as above.

Mr. Shepperson moved that the vote last taken be reconsidered and also moved, that the motion to reconsider be laid on the table; which latter motion was agreed to.

Mr. Warwick, also, introduced a bill (H.R. 360) entitled An act regulating the payment of costs and allowance by counties in certain cases.

Which was read a first time.

By unanimous consent,

Under a suspension of the rules,

The bill was read a second time by title.

On motion of Mr. Neal Brown,

The rules were further suspended (two-thirds of the members present voting therefor) and

The bill was read a third time and placed upon its passage.

The question being put, Shall the bill pass?

It was decided in the affirmative,—yeas 57, nays 6, not voting 26.

Those who voted in the affirmative are:-

Mr. Brown, Neal	Kingston,
Brown, Chas. F.	Kent,
Bridenthal	Lee,
Chapline,	Lyon,
Cleveland,	Latta,
Cox,	Murphy, J. M.
Copeland,	Murphy, Wm.
Chandler,	Marshall,
Cunningham,	McClellen,
Davis,	Merritt,
Dunn,	Matheny,
Eagle,	Mitchell,

Messrs.

Fox,
Fruhush,
Foster,
Gist,
Gilmath,
Garrett,
Green,
Hankins, A. M.
Hankins, Mann
Harris,
Hagins,
Hailey,
Johnson, J. H.
Joyner,

Those who voted in the negative:-

Messrs.

Berry, C. E.
Johnson, Adam
Shipley,

Those absent or not voting are:-

Messrs.

Berry, J. H.
Beaudrey,
Beasley,
Bethell,
Chapman,
Crowley,
Cate,
Hankins, O. S.
Joslyn,
McLeod
Miller,
McVeigh,
Nanny,

Messrs.

Page,
Pierce,
Rawlins,
Reid,
Robinson,
Stephenson,
Strong,
Thompson,
Tilley,
Turnage,
Warnick,
White,
The Speaker

Messrs.

Spears,
Turner,
Williams

Messrs.

Pindell,
Parrish,
Robertson,
Sauber,
Shapard,
Shepherd,
Sumpter,
Stewart,
Thorne,
Wheat,
Walker,
Wright,

So the bill was passed.

Mr. McLeod from the Committee on Enrolled Bills reported correctly enrolled the bill of the House (H. R. 75) entitled An act to repeal an act entitled an act to regulate the labor system of this State.

Also the bill of the House (H. R. 255) entitled

An act to define and establish the boundary line between the counties of Clark and Pike.

Also the bill of the House (H. R. 328) entitled An act regulating the time of holding the terms of the separate Circuit Court of Chancery for Pulaski county.

Also the bill of the House (H. R. 235) entitled An act for the relief of the securities of H. B. Williams late sheriff and collector of Hempstead county.

Also the bill of the House (H. R. 348) entitled "An act amendatory of and supplementary to an act entitled an act to provide for clerks of the circuit courts in certain counties and define their duties.

Also the memorial of the House (H. mem. 11) a memorial to the Congress of the United States for an appropriation to reimburse the state for the expense incurred in suppressing the disorganization and violence which resulted within the borders of the state as an immediate consequence of the reconstruction acts of Congress.

Mr. Grisson, at 4 o'clock and 30 minutes P. M., moved that the House adjourn.

Which was not agreed to.

On motion of Mr. Furbush,

The House proceeded to consider the bill of the House (H. R. 332) entitled An act for the relief of the securities of Elizabeth Thomas of St. Francis county.

Which was read a third time and placed upon its passage

Mr. Neal Burn moved the previous question which was seconded and the main question ordered on: Shall the bill pass?

The question being put,

It was decided in the affirmative,—yeas 37, nays 28, not voting 17.

Those who voted in the affirmative are:

Messrs.

Burn, Neal
Burn, Chas. F.
Murphy, Wm.
Marshall,

Messrs.

Chapline.
Cate.
Copeland.
Fox.
Furbush,
Grissom.
Hankins, A. M.
Hankins, O. S.
Hankins, Moses
Hans,
Jolyn,
Johnson, Adam
Johnson, L. M.
Joyner,
Kingston,
Kent,
Lee.

Those who voted in the negative are:—

Messrs.

Bridenthal,
Cleveland,
Chandler,
Cunningham,
Dane,
Emmons,
Eagle,
Foster,
Gist
Gilbreath,
Gorrell,
Hinnds,
Hanby,
Lynch,

Messrs.

McCleheey,
Merritt,
Millen,
Nunn,
Page,
Rawlins,
Robinson,
Shingley,
Sharpe,
Stephenson
Shepperson,
Stump,
Warnick,
White,
Williams,
The Speaker

Those absent or not voting are:—

Messrs.

Berry, C. E.
Berry, J. M.
Beardsley,
Beasley,
Corbett,
Chapman

Messrs.

McKeigh,
Mahoney,
Mitchell
Preston,
Reid,
Robertson,
Spears,
Sumpter,
Turner,
Thomason,
Tillar,
Thornbury,
Walker,
Wright,

Messrs.
Crowley,
Ogle,
Latta,

Messrs.
Flynn,
Wheat,

So the bill was passed.

Mr. Millen moved that the vote last taken be reconsidered and also moved that the motion to reconsider be laid on the table: which latter motion was agreed to,

Mr. Robinson, at 4 o'clock and 44 minutes P.M., moved that the House take a recess until 7 o'clock and 30 minutes P.M.

Mr. Shumpter moved that the House adjourn.

Which was not agreed to.

The question recurring on the motion that the House take a recess until 7 o'clock and 30 minutes P.M.

Mr. McGehee moved that the House adjourn until 9 o'clock A.M. on the morrow.

Which latter motion was agreed to,

And

The House accordingly adjourned until 9 o'clock A.M. of Tuesday April 22, 1873.

Approved

Chas Pinckney Speaker.

Attest

Henry Master Clerk.

Tuesday, April 22, 1873

The House met at 9 o'clock A.M.

The roll being called it appeared that the following named members were present and answered to their names, viz:-

Messrs. C. E. Berry, Chas. F. Bunch, Brideman, Chaplin, Corbett, Cox, Chandler, Crowley, Cate, Cunningham, Dane, Ennis, Eagle, Foster, Frost, Gilbreath, Garrett, Grimm, A.M. Hawkins, O.S. Hawkins, Moses Hawkins, Harris, Hynds, Hanley, Jolly, Adam Johnson, J.H. Johnson, Joyner, Kinghorn, Lee, Wm. Murphy,

McLeod, Merritt, Millen, McKnight, Matheny, Mitchell, Nunn, Page, Preston, Rindell, Reid, Robertson, Robinson, Saiber, Spears, Stephenson, Shepperson, Swaim, Sumpter, Stewart, Thorns, Thurman, Tillar, Thornburg, White, Wright, The Speaker.

The journal of Monday was read and approved.

Under the rule,

The House proceeded to consider the bill of the Senate (S. 188) entitled An act defining the duties of county and circuit clerks of Pulaski county.

Which was read a first time.

The question being put, Shall the bill be read a second time?

It was not agreed to, (two-thirds of the members present not voting therefor.)

The House proceeded to consider the Senate substitute for the bill of the House (S. Sub. H.B. 87) entitled An act for the maintenance of a system of free common schools in the state of Arkansas.

Which was read a first time.

By unanimous consent

Under a suspension of the rules,

The bill was read a second time by title

Mr. Coit moved that the rules be further suspended and that the bill be read a third time.

Which was not agreed to, (two-thirds of the members present not voting therefor).

Then,

On motion of Mr. Copeland.

Ordered, That the bill lie on the table and be made special order for a third reading for 11 o'clock A. M., on the morrow.

The House proceeded to consider the bill of the Senate (S. 13) entitled An act for the benefit of the Arkansas Institute for the Blind.

Which was read a first time.

By unanimous consent.

Under a suspension of the rules,

The bill was read a second time by title.

Mr. Coit moved that the further consideration of the bill be indefinitely postponed

After debate,

Mr. Corbell moved the previous question, which was seconded and the main question ordered, viz: Shall the further consideration of the bill be indefinitely postponed?

Mr. J. M. Murphy asked for the year and nays.

The question being put,

It was decided in the negative, — yeas 10, nays 53.

The yeas and nays being desired by five members.

Those who voted in the affirmative are:-

Messrs.

Coit,
Copeland,
Cunningham,
Hawkins, O. S.,
Hutchins, Moses

Messrs.

Johnson, Adam
Johnson, J. H.,
Joyner
Robinson,
Thomas,

Those who voted in the negative are:-

Messrs.

Berry, G. E.
Burton, Neal
Bydenthal,
Corbell,
Cleveland,
Chandler,
Crowley,
Ennis,
Eagle,
Fox,
Foster,
Fentress,
Gist,
Gilbreath,
Gyrett,
Gwinn,
Harris,
Haynes,
Harley,

Messrs.

Marshall,
McGehee,
Mullen,
McVeigh,
Mayberry,
Mitchell,
Page,
Reid,
Sartin,
Shipley,
Shepherd,
Speas,
Stephenson,
Shepherson,
Strong,
Synkpten,
Stewart,
Turner,
Tillman,

Messrs.

Kingston,
Kent.
Lee,
Lynn,
Latta,
Murphy, J. M.
Murphy, Thos
McLeod.

Messrs.

Thurmond,
Warwick.
White.
Walker.
Williams.
Wright
The Speaker.

So the House refused to indefinitely postpone the further consideration of the bill.

Mr. Robinson moved that the bill lie on the table.

Pending which.

A message from the Senate by Mr. Orwick their secretary, viz:-

Senate Chamber, April 22, 1873.

Mr. Speaker: I am instructed by the Senate to inform your honorable body that the Senate has adopted a resolution appointing a committee of conference on House Bill No. 34: An act to provide for the election of State, district, county, township, municipal and other officers and that Senators Belding, Thomas and Dooley have been appointed on the part of the Senate, on such committee.

The Speaker subsequently appointed, on the part of the House, to confer with the aforesaid committee of the Senate, Messrs. C. Thomas, Jno. A. Kingston, A. McHawkins, W. D. Gate and W. L. Copeland.

The question being on the motion that the bill lie on the table,

It was not agreed to.

On motion of Mr. Latta,

The rules were further suspended (two-thirds of the members present voting therefor) and,

The bill was read a third time and placed upon its passage.

Mr. J. M. Murphy moved the previous question which was seconded and

the main question ordered, viz: Shall the bill pass?

The question being put,

It was decided in the affirmative,— yeas 50, nays 13, not voting 19.

Those who voted in the affirmative are:—

Messrs.

Berry, C. E.
Bivins, Neal
Bivins, Chas. F.
Corbell,
Cleveland,
Chandler,
Crowley,
Davis,
Ennis,
Fox,
Fruitrock,
Foster,
Garrett,
Gibson,
Goins,
Goyne,
Harley,
Johnson, Adam
Joyner,
Kingston,
Kecht,
Lee,
Lynn,
Latta,
Murphy, J. M.

Murphy, Jno.
McLeod,
Marshall,
McGehee,
McAllen,
McVeigh,
Matheny,
Mitchell,
Nunn,
Page,
Reid,
Shipley,
Shuffland,
Spears,
Stephenson
Sturey,
Stewart,
Tynes,
Thurman
Thornberry,
Warnick,
White,
Walker,
Williams,
Wright

Those who voted in the negative are:—

Messrs.

Chaplin,
Cox,
Copeland,
Cunningham,
Eagle,
Hawkins, Junior
Johnson, J. H.

Pindall,
Rayburn,
Robinson,
Shepperson,
Symptue,
Thurmond

There absent or not voting are:—

Messrs.

Berry, J. H.
Beardsley.
Beasley.
Brickenthal.
Chapman.
Cate.
Gist.
Gilbreath.
Hankins, A. M.
Hankins, O. S.

Messrs.

Joslyn.
Merritt.
Purton.
Parrish.
Robertson.
Sarber.
Tillar.
Wheat.
The Speaker.

So the bill was passed.

Under a suspension of the rules for that purpose.

Mr. Shepherson introduced a bill (No. R. 365) entitled An act to regulate the publication of legal notices.

By unanimous consent.

Under a suspension of the rules.

The bill was read a first and second time by title.

Mr. Warwick moved that the bill be amended by striking out in section 3 the words "This act shall take effect and be in force from and after its passage".

Which was not agreed to.

On motion of Mr. Lumpkin.

Ordered, That the bill be engrossed for a third reading and be made special order for 12 o'clock and 10 minutes P. M. on the morrow.

A message from the Senate by Mr. Orrick, their secretary, viz:—

Senate Chamber, April 22, 1873.

Mr. Speaker: I am instructed by the Senate to inform your honorable body of the passage by the Senate of S. B. No 200, entitled A bill for an act to authorize the legal voters of School district number ten in Independence county to levy a tax.

Also, a joint resolution supplementary to House joint resolution No. 27 to provide for the adjournment of the General Assembly sine die. April 25, 1873.

On motion of Mr. Copeland.

The House proceeded to consider the joint resolution of the Senate (S. Jt. Res 27) a joint resolution supplementary to a joint resolution providing for the adjournment of the General Assembly sine die. April 25, 1873.

By unanimous consent.

Under a suspension of the rules.

The joint resolution was read a first and second time by title.

By unanimous consent.

Under a further suspension of the rules,

The joint resolution was read a third time and placed upon its passage.

The question being put, Shall the bill pass?

It was decided in the affirmative.—

yeas 68, nays none, not voting 14.

Those who voted in the affirmative are:

Messrs.

Berry, C. E.
Brown, Saml
Bunn, Chas. F.
Bridenthal,
Chapline,
Corbell,
Cleveland,
Coit
Copeland,
Chandler,
Crowley,
Cate,
Cunningham,
Dane,
Ennis,
Eagle,
Fishback
Foster,
Gist,
Gilbreath
Gravett,
Grissom
Hawkins, O. S.

Messrs.

Latta,
Murphy, J. M.
Murphy, Wm.
Marshall,
McGehee,
Merritt,
Mullen,
Mattery,
Mitchell,
Nunn,
Page,
Preston,
Pindall,
Rankin,
Reid,
Robertson,
Robinson,
Shapbard,
Speers,
Stephenson,
Shepherson,
Story,
Sumpter;

Messrs.

Hankins, Mann
Harris,
Hegnds,
Harley,
Jordyn,
Johnson, J. H.
Joyner,
Kingston,
Kent,
Ley,
Lynn,

Messrs.

Stewart,
Thurman,
Thompson,
Tillar,
Thurmond,
Warwick,
White,
Walker,
Williams,
Wright,
The Speaker.

Those voting in the negative,
Those absent or not voting are:-

Messrs.

Berry, J. H.
Berksley,
Beasley,
Chapman,
Fox,
Hankins, A. M.
Johnson, Dolan

Messrs.

McLeod,
McNeigh,
Parrish,
Saber,
Shipley,
Turner
Wheat,

So the joint resolution was passed.

The House proceeded to consider the joint resolution of the Senate (S.J.R. No. 5) entitled a proposed amendment to the constitution which if adopted and ratified in the manner prescribed by article 13, shall thereafter be substituted for and known as article 12 of the constitution of the state of Arkansas."

Which was read a third time and placed upon its passage.

The question being put, Shall the joint resolution pass?

It was decided in the affirmation, — yeas 60, nays none, not voting 22.

Those who voted in the affirmation are:-

Messrs.

Berry, C. E.
Bynum, Chas. F.
Chaplin,

Messrs.

McCutchen,
Merritt,
Meillen,

Messrs.

Cleveland.
Cox.
Chandler.
Cate,
Cunningham.
Davis.
Ervin.
Eagle.
Fox.
Fitts
Gilbreath.
Gyrett.
Grissom.
Hankins. O. S.
Hankins. Nunor
Harris.
Reynolds.
Harley.
Ivey.
Johnson. Adam
Johnson. J. H.
Kingston.
Kent.
Lee
Lynn.
Murphy. Wm.
Marshall.

Mcreigh.
Mcanthony.
Mitchell.
Nunn.
Paye.
Preston.
Pindall.
Reid.
Robertson.
Robinson.
Shapard.
Spears.
Stephenson.
Shipperson.
Shipp
Stewart
Turner.
Thorne.
Thurman.
Tillman
Thornbury.
Warwick.
White.
Walker.
Williams.
Wright.
The Speaker.

There voting in the negation.
There absent or not voting are:-

Messrs.

Berry. J. H.
Beardsley.
Bynum. Steel
Beasley.
Bridenthal.
Cobell.
Copeland.
Chapman
Crowley.
Firebrush
Foster

Messrs.

Hankins. A. Mc.
Joyner.
Latta.
Murphy. J. Mc.
McLeod.
Parrish.
Rankins.
Sasser.
Shipley.
Sumpter.
Wheat.

So the joint resolution was passed,

The House proceeded to consider the bill of the Senate (S163) entitled An act to supply deficiencies in the Supreme and Inferior Courts and provide for the safe and distribution of the revenue,

By unanimous consent,

Under a suspension of the rules,

The bill was read a first and second time by title,

On motion of Mr. Thornburg,

The bill was amended by inserting the following numbers, viz: "4, 5, 6, 7, 8, 9, 10, 11, 12, 15, 16, 19, 22,"

By unanimous consent,

Under the suspension of the rules,

The bill was read a third time and placed upon its passage,

After debate,

Mr. Kingston moved the previous question, which was seconded and the main question ordered, viz: Shall the bill pass?

The question being put,

It was decided in the affirmation,—

Nine 34, nays 30, not voting 18,

Those who voted in the affirmation are:—

Messrs.

Brown, Neal
Brown, Chas. F.
Chaplin,
Corbell,
Crist,
Copeland,
Crowley,
Davis,
Dix,
Fitz,
Gilbreath,
Gibson,
Hawkins, O. S.
Hawkins, Homer
Harris,
Hammond, H.
Kingston,

Messrs.

Kent,
Latta,
Marshall,
McGehee,
Mullen,
Paige,
Preston,
Robinson,
Shipley,
Shepherd,
Shuey,
Stewart,
Turner,
Thornburg,
Warwick,
White,
Williams.

Those who voted in the negative are:-

Messrs.

Berry, C. E.
Bibbenthal,
Cleveland,
Chandler,
Cate,
Cunningham,
Ezzell,
Eagle,
Fielder,
Gunnells,
Hynds,
Harley,
Joyner,
Lee,
Lynn,

Those absent or not voting are:-

Messrs.

Berry, J. M.
Beardsley,
Beasley,
Chapman,
Dunbush,
Hankins, A. M.
Jordan,
Johnson, Adam
Murphy, Jno.

Messrs.

Murphy, J. M.
McLeod,
McVeigh,
Maultsby,
Mitchell,
Ozzie,
Purdell,
Reid,
Robertson,
Spears,
Sumpter,
Thorne,
Thurman,
Tillar,
The Speaker.

Messrs.

Merritt,
Parish,
Rawlins,
Sarles,
Stephenson,
Shepherson,
Wheat,
Walker,
Wright,

So the bill was passed.

The House proceeded to consider the substitute for the bills of the Senate (Sub. S. 46, 93) entitled An act to redistrict the state for congressional purposes.

By unanimous consent

Under a suspension of the rules,

The bill was read a first and second time by title,

Mr. J. M. Johnson moved that the bill lie on the table and be made special order for a third reading for 10 o'clock,

Mr. Purdell moved as an amendment that the bill lie on the table.

Which was not agreed to.

The question being on the motion that the bill lie on the table and be made special order for a third reading for 10 o'clock and 30 minutes A. M. on the morrow.

Mr. Thomas moved that the motion be amended by striking out the word "for a third reading."

Which was not agreed to.

The motion was then agreed to.

Mr. McLeod from the Committee on Enrolled Bills, reported correctly enrolled the bill of the House (H.R. 227) entitled An act defining the power and regulating the duties of Guardians, curators and wards

The House proceeded to consider the bill of the Senate (S. 131) entitled An act to provide for the publication and distribution of the Journals of the General Assembly, and other public documents.

By unanimous consent,

Under a suspension of the rules.

The bill was read a first and second time by title.

And

On motion of Mr. Coit,

Ordered, That the bill lie on the table subject to the call of the House.

The House proceeded to consider the joint resolution of the Senate, (S.J.R. Res. 14) a joint resolution in relation to alleged frauds of Woolford lands.

Which was read a first time.

By unanimous consent,

Under the suspension of the rules

The bill was read a second time by title.

And,

On motion of Mr. Corbell

The joint resolution was referred to the select committee instructed to investigate the issuance of bonds and their uses.

Mr. Eagle moved that the rules be sus-

pended and that he be allowed to introduce a bill.

Which was not agreed to, (two-thirds of the members present not voting therefor.)

A message from the Senate by Mr. Orrick their secretary, viz:-

Senate Chamber, April 22, 1873.

Mr. Speaker, I am instructed by the Senate to inform your honorable body of the passage by the Senate of S.B. No. 205. entitled A bill to be entitled an act to reimburse the executive contingent fund.

The House proceeded to consider the bill of the Senate (S. 192) entitled. An act to attach the county of Howard to the seventeenth Senatorial district.

Which was read a first time.

By unanimous consent,

Under a suspension of the rules,

The bill was read a second time by title,

And.

On motion of Mr. A. M. Hawkins

Ordered. That the bill lie on the table subject to the call of the House.

The House proceeded to consider the bill of the Senate (S. 174) entitled An act for the relief of tax-payers of Jackson part of Jackson county from the payment of certain tax,

Which was read a first time,

By unanimous consent,

Under a suspension of the rules.

The bill was read a second time by title,

Mr. Jaslyn moved that the bill be amended by inserting the words "Circuit county."

Which was not agreed to.

On motion of Mr. Lynn

The rules were further suspended (two-thirds of the members present voting therefor.) and

The bill was read a third time and placed upon its passage,

Mr. Copeland moved the previous question which was seconded and the main ques-

tion ordered, viz:- Shall the bill pass?

The question being put,

It was decided in the affirmative, — yeas 57, nays 3, not voting 22,

- Those who voted in the affirmative are:-

Messrs.

Brown, Chas. P.
Bridenthal,
Chapline,
Cobell,
Cleveland,
Coit,
Copeland,
Chandler,
Crowley,
Cate,
Cunningham,
Davis,
Eagle,
Fisher,
Frost,
Gilbreath,
Gresh,
Grissom,
Hankins, O. S.
Hankins, Simon
Harris,
Harley,
Johnson, Adam,
Johnson, J. H.
Joyner,
Kent,
Lynn,
Latta,
Murphy, Wm.

Those who voted in the negative are:-

Messrs.

Marshall,
McGehee,
Merritt,
McElroy,
Matheny,
Mitchell,
Nunn
Page,
Preston,
Pindall,
Reid,
Robertson,
Robinson,
Shivley,
Sheppard,
Stephenson,
Shepperson,
Shuey
Sumpter,
Stewart,
Turner,
Thurman,
Tilden,
Thornburg,
White,
Williams,
Wright,
The Speaker,

Those who voted in the negative are:-

Messrs.

Lee,
McLeod,

Speers.

Those absent or not voting are:-

Messrs.

Berry, C. E.

Irwin.

Messrs.

Berry, J. H.
Beckwith,
Bunn, Ford
Beasley,
Chapman,
Ennis,
Fix,
Fincher,
Hankins, A. M.
Hynds,

So the bill was passed.

Mr. Lynn moved that the vote last taken be reconsidered, and also moved that the motion to reconsider be laid on the table; which latter motion was agreed to.

The House proceeded to consider the joint resolution of the Senate (S. J. Res. 11) a joint resolution to appoint the bonds of the sheriff and clerk of Hempstead county.

Pending which

The hour of 11 o'clock and 50 minutes A. M. having arrived.

Mr. Sumpter made the point of order, that the joint resolution could not be further considered under the rule fixing the hour for the consideration of bills of the Senate

The Speaker ruled the point of order well taken.

On motion of Mr. Latta

The House proceeded, under the rule, to consider the bill of the House (H. R. 105) entitled An act to establish the lines between the counties of Montgomery and Clark, together with the Senate amendment thereto, viz:

Strike out all after the word "to-wit" in line four section one, and insert the following Beginning at the South East corner of township four south of the Base line range twenty three, west of the fifth principal meridian and running thence west on the township line dividing townships four and five

Messrs.

Kingston,
Murphy, J. M.
Mockbee,
Parish,
Rankins,
Sayler,
Simms,
Warwick,
Trent,
Walker,

with of the Jure line, to the Pike county line.

Mr. Latta moved that the Senate amendments be agreed to.

Pending which,

A message from his Excellency the Governor by Mr. McClannahan his private secretary, who, by unanimous consent, read the same, as follows:-

Executive Office, Little Rock, Ark. April 22d. 1873.

To the House of Representatives of Arkansas.

Gentlemen: I have signed and approved House bill entitled "An act to repeal an act entitled an act to regulate the labor system in this state" also House bill entitled "An act to define and establish the boundary lines between the counties of Clark and Pike" also House bill entitled "An act regulating the time of holding the terms of the separate court of chancery for Pulaski county" also, "memorial of the General Assembly to the Congress of the United States asking that the general government reimburse the state of Arkansas for the expenses incurred in suppressing disorder and violence which resulted as a consequence of the reconstruction of the state."

Elisha Baxter,
Governor of Arkansas.

The question being on the motion that the House concur in the Senate amendments,

And,

The question being put,

It was decided in the affirmative,—

Yeas 53, nays 3, not voting 26.

Those who voted in the affirmative are:

Messrs.

Brown, Chas. F.
Bridenthal.
Chapline,
Corbell,
Cleveland,
Cort,
Chandler,
Carrigan,
Cate,
Latta,
Murphy, J. M.
Murphy, Wm.
Marshall,
McGehee,
Mathews,
Mitchell,
Preston,
Reid,

Messrs.

Cunningham,
Davie,
Ennis,
Eagle,
Fox,
Finnerty,
Forster,
Gist,
Gilbreath,
Hawkins, O.S.
Hoyuds,
Harley,
Jaslyn,
Johnson. Adam
Johnson. J. H.
Joyner,
Kent,
Lynn,

Those who voted in the negative are:-

Messrs.

Byrum, Teal
Lee.

Those absent or not voting are:-

Messrs.

Berry. C. E.
Berry. J. H.
Brandsley,
Bearley,
Copeland,
Chapman,
Garrett,
Gurrun,
Hawkins. A. M.
Hawkins. Thomas
Harris,
Kingston,
McLeod,

Messrs.

Robinson,
Sarten,
Speeas,
Stephenson
Storey,
Sappleton,
Stewart,
Joyner,
Thomason,
Tilley,
Thornburg,
Warwick,
White,
Walker,
Williams,
Wright,
The Speaker.

Messrs.

Merritt,
Mullen,
Mebreigh
Nunn,
Paige,
Pindall,
Parish,
Rawlins
Roberson,
Shipley,
Shapard,
Thomas.
Wheat,

So the senate amendments were concurred in.

Then.

On motion of Mr. Robinson

The House at 12 o'clock and 7 minutes, took

a recess until 3 o'clock P.M.

After the Recess.

The House met at 3 o'clock P.M.

The roll being called it appeared that the following named members were present and answered to their names, viz:-

Messrs. Chas. F. Bunn, Chapline, Corbett, Cleveland, Levit, Copeland, Chandler, Crowley, Cate, Cunningham, Ennis, Eagle, Fox, Furbush, Firth, Hunt, Hewett, Tipton, A. M. Hankins, O. S. Hankins, Hagans, Harley, Jarboe, Adam, Johnson, J. H. Johnson, Joynes, Kingston, Kyle, Lee, Lynn, Latta, J. M. Murphy, Wm. Murphy, McLeod, Marshall, Merritt, Miller, Mayberry, Mitchell, Nunn, Page, Preston, Pindall, Rawlins, Reid, Robertson, Robinson, Shappard, Spears, Stephenson, Shepherson, Stump, Sumpter, Stewart, Turner, Tippett, Thomason, Tillar, Thornburg, Warwick, White, Walker, Webb cams, Wright, The Speaker.

On motion of Mr. Warwick.

The House proceeded to consider the substitute for the bills of the House (Sub. H. R. 31, 41, 48. and other House bills) entitled An act regulating the assessment and collection of revenue

Mr. Cunningham moved that the bill be amended as follows, viz:

Amend by striking out section 148 and insert the following.

Sec 146. It shall be unlawful for the county court of any county in the State, unless specially and expressly authorized by some act of the General Assembly, to levy on the taxable property of such county, in any one year a greater rate per centum than is hereinafter authorized; viz: For all ordinary county expenses, not exceeding five mills on the dollar; for bridge purposes not exceeding one mill on the dollar; for road purposes, not exceeding one mill on the dollar; for support of the poor; not exceeding one mill on the dollar; for the erection or repairing of public buildings, not exceeding two and one-half mills on the dollar; for the payment of the interest

the funded debt of such county, or the payment of such funded debt or parts thereof as may fall due with the then current or next succeeding year; such amount as may be actually necessary for the support and maintenance of public schools in any school district in such county (other than cities or towns constituting a school district) at such rate as may be determined on by the qualified electors of such district in the manner prescribed by law, not exceeding five mills on the dollar; for the support and maintenance of public schools in any city or town in such county, constituting a school district, such rate as may be determined on by the board of directors, as prescribed by law, not exceeding seven and one-half mills on the dollar; for the payment of the interest on any railroad bonds issued by such county, as may fall due with the then current or next succeeding year, such amount as may be actually necessary, not exceeding five mills on the dollar.

Strike out section 150 and 151 and insert the following.

Sec. 148. Whenever a greater amount of tax shall be necessary in any county, city or town than the foregoing rates will respectively afford, for the purpose of erecting public buildings, or paying for such buildings already erected, or for the payment of any debt already contracted for county, city or town purposes, the county court or the constituted authorities of any city or town may ascertain the amount necessary to meet the deficiency, and submit to a vote of the qualified electors of such county, city or town, the question whether such additional taxes shall be levied as will meet such deficiency, or not. If a majority of the votes shall be cast for increasing the ~~taxes~~, the county court or the constituted authorities of any city or town voting such additional taxes, may meet at any time prior to the first day of January and levy the same, and such additional tax, when

collected, shall be exclusively appropriated to the purpose for which it was raised.

Strike out section 152 and insert the following,

Sec. 149 For the purpose of raising a revenue to support the state government, paying the interest on the public debt, and maintenance of the public schools, a tax shall be levied annually on all the taxable property in this state, as follows-to-wit: For defraying the general expenses of the state government, five mills on the dollar; for paying the interest on the public debt, two and one half mills on the dollar; for the maintenance of the public schools, two mills on the dollar. There shall also be levied the sum of one dollar per capita on every male inhabitant of the state over twenty-one years of age, for school purposes: Provided, That whenever in the opinion of the governor, auditor and treasurer of state, a lower rate than that specified in this section will raise a sufficient amount of revenue to defray the expenses of the state, they may make such reduction in any part of the taxes specified in this section, as the interests of the state will permit: Provided further, That the tax levied to pay the interest on the public debt, shall be collected in United States currency, and paid into the state treasury, in the same currency collected.

Strike out section 192,

Pending the consideration of the amendments;

A message from the Senate by Mr. Orick their secretary, viz:-

Senate Chamber, April 22, 1873

Mr. Speaker: I am instructed by the Senate to inform your honorable body of the passage by the Senate of S. B. No. 206, entitled An act to authorize the governor to fill vacancies in office, in incorporated towns.

Also, S. B. 208, entitled An act to fix the time for holding the circuit court in Sebastian county.

Also, S. B. No. 197. An act to provide for

the sale of Revis. Digest and for other purposes

Also. S. B. to 195. An act to provide for the payment of the current expenses of the state for two years, commencing on the 1st day of July 1873 and ending June 30. 1875. and herewith respectfully transmit the same for your favorable consideration.

The question being on the adoption of the amendments offered by Mr. Cunningham.

After debate,

Mr. Copeland moved that the amendments be rejected.

Mr. Miller moved the previous question which was seconded, and the main question ordered, viz: Shall the amendments be rejected?

Mr. Pindall asked for the yeas and nays.

The question being put,

It was decided in the affirmative. — yeas 39, nays 30.

The yeas and nays being desired by five members,

Those who voted in the affirmative are:-

Messrs.

Byrne, Joel
Byrne, Chas. F.
Chapline.
Cobell,
Cleveland.
Coit,
Copeland.
Davis,
Fox,
Grimm,
Hawkins, A. M.
Hawkins, O. S.
Hawkins, Homer,
Harris,
Irlyn,
Johnson, Helgen
Johnson, J. H.
Kingston,
Kent,
Lee,
Murphy, J. M.
Murphy, Jno.
McLeod,
Miller.
Nunn,
Page,
Rankins,
Robinson,
Shipley,
Shepherd,
Spears,
Stephenson.
Stuart,
Stewart,
Turner,
Warwick,
White
Williams,
The Speaker,

Those who voted in the negative are:-

Messrs.

Bridenthal,
Chandler,
Crowley,
Cate,
Cunningham
Ervin,
Eagle,
Fiske,
Gist,
Gorrell,
Hoyuls,
Harley
Hopler,
Lynn,
Latta,

Messrs.

Merritt,
Mahony,
Mitchell,
Preston,
Pindall,
Reid,
Robertson,
Shepherson,
Sumpter,
Thorn,
Thornburg
Tilbar,
Thurbing,
Walker,
Wright,

So the amendments were rejected,

Mr. Warwick moved that the bill be amended by filling the blank in section 152 with the word "ten".

Mr. Robinson moved the previous question, which was seconded and the main question ordered, viz: Shall the amendment be agreed to?

Mr. Pindall asked for the year and nays, the question being put,

It was decided in the affirmative,—yeas 37, nays 32.

The year and nays being demanded by five members

Those who voted in the affirmative are:-

Messrs.

Bynum, Neal,
Bynum, Chas. P.
Chapline,
Crothell,
Cort,
Cooke, Daniel,
Dare,
Fox,
Greene,
Hawkins, A. M.,

Messrs.

McLeod,
Marshall,
Mullen,
Nunn,
Page,
Rumbles,
Robinson,
Shipley,
Shepherd,
Spears,

Messrs.
Hopkins, O. S.
Hopkins, Illinois
Joslyn,
Johnson, Adam
Johnson, J. H.
Kingston,
Kent,
Lee,
Murphy, J. M.

Messrs.
Stephenson,
Storey
Stuart,
Turner,
Warnock,
White,
Wilbourn,
The Speaker.

Those who voted in the negative are:

Messrs.
Bridenthal,
Chandler,
Crowley,
Cate,
Cunningham,
Cyrus,
Eagle,
Foster,
Gist,
Gossett,
Harris,
Hynds,
Hanley,
Hayden,
Lynn,
Latta

Messrs.
Murphy, Mo.,
Merritt,
Mahony,
Mitchell,
Preston,
Pindall,
Reid,
Robertson,
Shepherson,
Snyder,
Thurman,
Thurmon,
Tilbar,
Thornbury,
Walker,
Wright.

So the amendment was agreed to.

Mr. J. M. Johnson moved that the bill be read a third time, and,

Also moved the previous question which was seconded, and under the operation thereof the motion was agreed to, and

The bill was accordingly read a third time by title.

Mr. Cyrus called for the reading of the bill.

Pending the reading of the bill,

Mr. Copeland moved that the further reading of the bill be dispensed with,

Mr. Cyrus continued to call for the reading of the bill.

When,
The Speaker ruled the motion to dispense with the further reading of the bill not in order.

Mr. Copeland appealed from the decision of the chair.

Mr. Cunningham asked for the yeas and nays.

The question being put, Shall the decision of the chair be sustained?

It was decided in the negative, — yeas 32, nays 37, the yeas and nays being demanded by five members.

Those who voted in the affirmative are:-

Messrs.

Bridenthal,
Chandler,
Crowley,
Cate,
Cunningham,
Ezzell,
Eagle,
Fortune,
Gist,
Gilbreath,
Jarrett,
Reynolds,
Hardy,
Joyner,
Lee,
Lynch,

Messrs.

Latta,
McGehee,
Mayhew,
Mitchell,
Preston,
Pindall,
Reid,
Robertson,
Shepard,
Simpkins,
Spann,
Thomas,
Tillman,
Thornburg,
Walker,
Wright,,

Those who voted in the negative are:-

Messrs.

Bunn, Jesse
Bunn, Chas. E.
Chapline,
Corbell,
Cleveland,
Cyril
Copeland,
Fox,
Grimm,
Hankins, A. M.

Messrs.

Murphy, Jno.
McCord,
Marshall,
Millen,
Senn,
Paye,
Rankins,
Robinson,
Shipley,
Speaks,

Messrs.
Hankins, O.S.
Hankins, Wm.
Joslyn,
Johnson, Adam
Johnson, J. R.
Kingston,
Kidd,
Lee,
Murphy, J. M.

Those who voted in the negative are:

Messrs.
Bridenthal,
Chandler,
Crowley,
Cate,
Cunningham,
Ervin,
Eagle,
Foster,
Gist,
Garrett,
Harris,
Reynolds,
Harley,
Hayden,
Lynn,
Latta

Messrs.
Stephenson,
Story,
Stewart,
Turner,
Warwick,
White,
Williams,
The Speaker.

Messrs.
Murphy, Wm.
Merritt,
Matheny,
Mitchell,
Preston,
Randall,
Reid,
Robertson,
Shepherd,
Sumpter,
Thomas,
Thompson,
Tilden,
Tremblay,
Walker,
Wright,

So the amendment was agreed to.

Mr. J. H. Johnson moved that the bill be read a third time, and,

Also moved the previous question which was seconded, and under the operation thereof the motion was agreed to, and

The bill was accordingly read a third time by title.

Mr. Ervin called for the reading of the bill.

Pending the reading of the bill,

Mr. Copeland moved that the further reading of the bill be dispensed with,

Mr. Ervin continued to call for the reading of the bill.

When,
The Speaker ruled the motion to dispense with the further reading of the bill out in order.
Mr. Copeland appealed from the decision of the chair.
Mr. Cunningham asked for the year and nays.
The question being put, Shall the decision of the chair be sustained?
It was decided in the negative, — year 32, nays 37.
The year and nays being demanded by five members,
Those who voted in the affirmative are:-

Messrs.

Bridenthal,
Chandler,
Conley,
Cate,
Cunningham,
Ezzell,
Eagle,
Foster,
Gist,
Gilbreath,
Garrett,
Haynes,
Hanby,
Joyner,
Lee,
Lynch,

Messrs.

Latta,
McGehee,
Mayhew,
Mitchell,
Preston,
Pindall,
Reid,
Robertson,
Shapkard,
Simpkins,
Spann,
Thurman,
Tillar,
Thornburg,
Walker,
Wright,

Those who voted in the negative are:-

Messrs.

Bunn, Jesse,
Bynum, Chas. F.
Chapline,
Corbell,
Cleveland,
Cyril
Copeland,
Fox,
Graham,
Hendricks, A. M.

Messrs.

Murphy, Jno.
McCord,
Marshall,
Millen,
Nunn,
Paye,
Rankins,
Robinson,
Shipley,
Speed.

Messrs.

Hankins. O. S.
Hankins. Thomas
Harris.
Jolyn,
Johnson. Adam
Johnson. J. H.
Kingston,
Kent
Murphy. J. M.

Messrs.

Stephenson,
Shepperson,
Stacy,
Stewart,
Turner,
Warwick,
White,
Williams,

So the decision of the chair was not sustained,

The question being on the passage of the bill,

Mr. Copeland moved the previous question which was seconded and the main question ordered, viz: Shall the bill pass?

The question being put,

It was decided in the affirmative, — yeas 40, nays 30, not voting 12,

Those who voted in the affirmative are:-

Messrs.

Berry. C. E.
Bohon. Neal
Bynum. Chas. D.
Chaplin.
Corbell.
Cleveland.
Coit,
Copeland.
Davis.
Fox,
Gunn,
Hankins. A. M.
Hankins. O. S.
Hankins. Thomas,
Harris.
Jolyn,
Johnson. Adam
Johnson. J. H.
Kingston,
Kent,

Messrs.

Murphy. J. M.
Murphy. Wm.
McLeod,
Marshall,
Millen
Nunn.
Page,
Rankins,
Robinson,
Shipley,
Shuffstall,
Spears,
Stephenson
Stacy,
Stewart,
Turner,
Warwick.
White,
Williams,
The Speaker,

Those who voted in the negative are:-

Messrs.
Bridenthal,
Chandler,
Conroy,
Cate,
Cunningham,
Ezzell,
Eagle,
Foster,
Gill,
Gilbreath,
Gossett,
Hyndman,
Harley,
Joyner,
Lee,

Those absent or not voting are:-

Messrs.
Berry J. H.,
Brantley,
Beasley,
Chapman,
Dunbar,
McGehee,

So the bill was passed.

Pending the vote,

Mr. Cunningham (when his name was called) sent to the clerk's desk the following explanation of his vote, viz:-

Mr. Speaker: This bill raises the taxes in effect fifty per cent and will in many counties cause them to be raised one hundred per cent above the present rates. It is ruin. Who can face an indignant people after voting for this bill.

I can do nothing more than prosecute my appeal lately taken, what was stricken from the journal. This bill is more than gigantic railroad steal.

Mr. Pindall subsequently sent to the clerk's desk the following protest, viz:-

Mr. Speaker: I desire to protest a-

Messrs.
Lyons,
Latta,
Merritt,
Matheny,
Mitchell,
Preston,
Pindall,
Shepperson,
Sumpter,
Thorn,
Thurman,
Tilbar,
Thornburg,
Walker,
Wright,

Messrs.
McKnight,
Parish,
Reid,
Robertson,
Sartin,
Wheat,

gainst the irregular and unconstitutional manner in which this bill has been put upon its final passage.

Section 21 of article 5th of the constitution requires every bill to be read three times on three different days, unless two-thirds of the House shall dispense with the rule. The House has not suspended the rule by a two-thirds vote, but the majority have refused to have the bill read the third time. And we object to the passage of this bill because it increases the tax fifty per cent., and permits a like increase in the counties and towns. We vote no.

W. J. Pindall
Ben. Wright
C. Flournoy
J. F. Cunningham
Geo. L. Latta.
W. G. Mayberry.
W. H. Reid.
D. L. Lynch.
Ben. Humphrey.
W. H. Enoch.
R. Lyons.
L. B. Mitchell.
D. Brigenthal.
J. W. Thompson.
John L. Sumpter.
Wm. R. Bailey.
J. M. Foster.
J. D. Kilgore.
John C. Walker.
B. M. Ingerby.
Frank V. Lynch.
J. F. H. Dillard.
James H. Hunt.
J. M. Merritt.
J. P. Eagle.

The vote thirteen announced as above.

Mr. Miller moved that the vote last taken be reconsidered and also moved that the motion to reconsider be laid on the table, which latter motion was agreed to.

On motion of Mr. Warwick,

The House proceeded to consider the bill of the House (H. R. 122) intitled An act for the better regulation and efficiency of railroad companies.

On motion of Mr. Warwick

The bill was read a third time and placed upon its passage.

The question being put, Shall the bill pass?

It was decided in the affirmative, — yeas 38, nays 26, not voting 18.

Those who voted in the affirmative are:

Messrs.

Berry, C. E.
Bynum, Reub
Bynum, Chas. T.
Chapline,
Cobell,
Copeland,
Dare,
Durbrow,
Grissom,
Hankins, A. M.
Hankins, O. S.
Hankins, Turner,
Harris,
Joslyn,
Johnson, Adam
Johnson, L. H.
Joyner,
Kilgerton,
Lee,

Mourphy, J. M.,
Murphy, Jno.,
Mac Leod,
Marshall,
Millen,
Nunn,
Page,
Rawlins,
Robinson,
Saber,
Shipley,
Shapard,
Spears,
Stephenson,
Shepperson,
Sling
Turner,
Warwick,
The Speaker.

Those who voted in the negative are:

Messrs.

Biddenthal,
Chandler,
Cate,
Ervin,
Eagle,
Foster,
Hyet,
Hynds,
Harley,
Lynch,
Latta,
McGehee
Merritt.

Preston,
Pindall,
Reid,
Sumpter,
Stewart
Thurman,
Thornton
Tilden,
Thornbury,
White,
Walker
Williams
Wright,

Those absent or not voting are:-

Messrs.

Berry, J. H.
Beckley,

Gilbreath,
Garrett,

Messrs.

Beasley,
Cleveland,
Cort,
Chapman,
Conley,
Cunningham,
Fox.

Messrs.

Kent,
McVeigh,
Matheny,
Mitchell,
Parish,
Roberts,
Wheat.

So the bill was passed.

Mr. Warnick moved that the vote last taken be reconsidered and also moved that the motion to reconsider be laid on the table; which latter motion was agreed to.

On motion of Mr. White

The House proceeded to consider the bill of the House heretofore sent to the clerk's desk by Mr. Shrigley (H. R. 344) entitled An act defining a misdemeanor for certain violations of the revenue law approved March 25th 1871.

Which was read a first time,

By unanimous consent,

Under a suspension of the rules,

The bill was read a second time by title, and

On motion of Mr. Sumpter,

Ordered, That the bill lie on the table,

Mr. Corbell, at 4 o'clock and 19 minutes P.M. moved that the House take a recess until 7 o'clock and 30 minutes P.M.

Mr. Sumpter moved that the House adjourn,

Which was not agreed to.

The question recurring on the motion that the House take a recess until 7 o'clock and 30 minutes P.M.

It was not agreed to,

On motion of Mr. Thurman,

The House proceeded to consider the bill of the House (H. R. 309) entitled An act to provide for the payment of fees and perquisites of certain state offices into the state treasury.

Which was read a third time,

Mr. Chaplin moved that the bill lie on the table.

Which was not agreed to.

The question being put, Shall the bill pass?

It was decided in the affirmation — yeas 48, nays 16, not voting 18.

Those who voted in the affirmation are:-

Messrs.

Berry, C. E.
Burdett,
Cobbett,
Cort,
Chandler,
Crowley,
Cate,
Cunningham,
Currie,
Eagle,
Foster,
Gest,
Gillmatt,
Garrett,
Hughes,
Harley,
Johnson Adam
Joyce,
Kent,
Lynn,
Mowbray, J. H.
McLeod,
Marshall
Merritt,

Messrs.

Miller,
Mayberry,
Mitchell,
Page,
Perry,
Purdell,
Rankin,
Reid,
Robinson,
Speers,
Stephenson,
Shepherd,
Shyry,
Sunipler,
Stewart,
Joyner,
Thirner,
Thomson,
Tillar,
Thornbury,
White,
Walker
Wright,
The Speaker.

Those who voted in the negative are:-

Messrs.

Bunn, Chas. F.
Chapleau,
Copeland,
Fox,
Guiscon
Hawkins, O. S.
Hawkins, A. H.

Messrs.

Irvine
Johnson, J. H.
Lee,
Mowbray, Wm.
Pound,
Shirley,
Shuttleworth,

Messrs. Harris, Hunt and Williams,

Messrs. Berry, J. H., Brickley, Brum, Paul, Bearley, Cleveland, Chapman, Dane, Dunbrack, Hawkins, Messrs. Kingston, Latta, McAshee, McKnight, Parnish, Robertson, Sarles, Yancick, Wheat

So the bills was passed,

Mr. Miller moved that the vote last taken be reconsidered and also moved that the motion to reconsider be laid on the table; which latter motion was agreed to.

Under a suspension of the rules for that purpose,

Mr. White from the select committee instructed to investigate the issuance of bonds, and their uses, submitted the following report, which was read, viz;

Mr. Speaker; A majority of your committee, appointed for the purpose of investigating the issuance of bonds by the State, both for levees and to aid in the construction of railroads, have had the matters in relation thereto under consideration, and submit herewith, as a part of this report, a synopsis of the testimony taken: and in this connection it is desirous to state that it has been exceedingly difficult to procure evidence, owing to the removal or absence from the State of several persons who are most familiar with the facts, and the non-attendance of others. The chairman, Mr. Kingston, was authorized to send the sergeant-at-arms for J. K. Burnham of Fort Smith, and W. H. Rogers, of Helena, but your committee learn that they were not sent for- they having failed to appear in response to the sum-

mons send upon them; It is hoped, however, that the evidence submitted will contain sufficient information for the intelligent action of this house. In considering the expenditure of the three millions of dollars appropriated by the last General Assembly "for the building and repairing of the public levees of this state," under the supervision of the Commissioner of Public Works and Internal Improvements, your committee finds that while a considerable portion of the above issue has been applied, and the purpose for which the expenditure was authorized attained, yet to say that in several instances there is evidence showing that the balance of this issue has been expended with a reckless disregard for the welfare of the State, or the advantages that should accrue to the people upon whose lands the burden of taxation has been laid; which calls for the severest censure.

As the courts have been appealed to, ample competent to afford the relief asked for by the parties aggrieved, the testimony is submitted without reference to the future disposition of the bonds, and request that it be printed for the information of the General Assembly, and recommend the adoption of the following resolution;

That a committee of three be appointed to prepare articles of impeachment against Hon. Benjamin Thomas, Commissioner of Public Works and Internal Improvements and present the same at the bar of the House.

Your committee desire also to report such evidence as they have been able to obtain in relation to the issuance and disposal of state aid or railroad bonds, and the condition of the several companies to whom aid was awarded and bonds have been issued, by which it appears that in nearly every instance the law has not been complied with on the part of the railroad companies, both as to the payment of interest upon the bonds received and the lengths of line that the law requires to be completed, and owing to a very grave

doubt as to the nature and extent of the lien of the state upon these roads, their franchises etc, to secure the payment of the interest and the bonds at maturity; and in consideration of the present financial condition of the state, and the necessity for economy in expenditure, until the credit of the State is assured and the people are better able to meet an increase of taxation, your committee recommend such action by the General Assembly as will prevent the issuance of bonds to said companies in future, and ask to be discharged from the further consideration of this subject.

L. C. White
John. M. Johnson,
George. H. Latta.
W. D. Kent,
Majority of Committee

Mr. Speaker; I desire to say that, because Mr. Kingston was absent by reason of sickness I was instructed to make this report in behalf of the committee

L. C. White
Chairman for them

On motion of Mr. Copeland,
Ordered, That the report of the committee lie on the table, one hundred and fifty copies of the testimony and report be printed for the use of the House, and that the subject be made special order for 3 o'clock P.M. on the morrow.

And,

On motion of Mr. Copeland,

The clerk was authorized and directed to have the testimony and report printed and laid on the members desks by 3 o'clock P.M. on the morrow.

Under a suspension of the rules for that purpose,

Mr. Miller introduced a bill (H.R. 364) entitled An act defining the duty of county clerk of Ouachita county.

pending which.
Mr. Reid at 4 o'clock and 40 minutes P.M. moved that the House adjourn.
Which was not agreed to.
The bill was then read a first time.
On motion of Mr. Mollen
The rules were further suspended (two-thirds of the members present voting therefor) and
The bill was read a second time by title.
Pending the suggestion of amendments.
On motion of Mr. Tankersley. (Mr. Cate in the chair)
The bill was referred to the committee on the Judiciary for the purpose of amendment.
Mr. J. M. Murphy at 4 o'clock and 48 minutes P.M. moved that the House take a recess until 7 o'clock and 30 minutes P.M.
Mr. Reid moved that the House adj'ourn.
Which was not agreed to.
The question recurring on the motion that the House take a recess until 7 o'clock and 30 minutes P.M.
It was not agreed to.
On motion of Mr. White.
The House proceeded to consider the bill of the House here to fore laid on the table (H.R. 346) entitled An act appropriating money to pay L. Meador for his services as a commissioner in behalf of the state to investigate the disputed boundary line between this state and the Indian Territory.
By unanimous consent.
Upon a suspension of the rules
The bill was read a first and second time by title.
Mr. Lee moved that the further consideration of the bill be indefinitely postponed.
Mr. Chaplin moved the previous question which was seconded and under the operation thereof the motion was disagreed to.
Mr. J. M. Johnson moved that the rules

be further suspended and that the bill be read a third time,

Which was not agreed to (two-thirds of the members present not voting therefor).

Under a suspension of the rules for that purpose.

Mr. Fox from the Committee on the Judiciary to whom was referred the bill of the House (H.R. 100) entitled An act authorizing the issuance of attachments, reported the same and recommended that the bill be not passed.

And.

On motion of Mr. Copeland,

Ordered. That the bill lie on the table.

Also, from the same committee to whom was referred the substitute for the bill of the House (Sub. H. R. 1191) entitled An act to provide for the election of Justices of the Peace and constables, reported the same and recommended a substitute therefor.

Under the operation of the previous question.

On motion of Mr. Hamrick

The substitute bill was read a third time and placed upon its passage.

The question being put, Shall the bill pass?

It was decided in the affirmation, — yeas 49, nays 9, not voting 24.

Those who voted in the affirmation are:

Messrs.

Brown, Chas. F.
Brideweal,
Chandler,
Crowley,
Cato,
Cunningham,
Currin,
Eagle,
Fox,
Fairbrush,
Foster,
First,
Murphy, J. M.,
Murphy, Thos.,
Merritt,
Milley,
Mayberry,
Mitchell,
Purton,
Pindall,
Robertson,
Robinson,
Shipley,
Stephenson

Messrs.

Gilbreath,
Gyselt,
Hankins. O.S.
Harris.
Heynds.
Hanley,
Izzlyn,
Jorgen,
Kinyston,
Kezit,
Lee,
Lynn,
Latta,

Those who voted in the negative are:-

Messrs.

Copeland,
Gissom,
Hankins. Messrs
Johnson. Adgen
Johnson J. H.

Those absent or not participating:-

Messrs.

Berry. b. E.
Berry. J. H.
Beaubien,
Bynn. Paul
Beasley,
Chapline.
Cantrell,
Cleveland,
Cook.
Chapman,
Dane.
Hankins. A. M.

Messrs.

Hopkins,
Henry,
Knight,
Mahaffey,
Millican,
Miller,
Manning,
Maddox,
Walker,
Wright,
The Speaker.

So the Bill was passed.

Mr. Robertson moved that the vote last taken be reconsidered and also moved that the motion to reconsider be laid on the table; which latter motion was agreed to.

By unanimous consent,

Messrs.

McLeod,
Marshall,
Spears,
Williams,

Messrs.

Mechelee,
McVeigh,
Newham,
Page,
Parrish,
Rankins,
Reid,
Sarber,
Shapard,
Turner,
White,
Wheat.

Mr. Fox introduced a bill (H. R. 362) entitled An act to supply deficits in the appropriation to pay sheriffs and their guards for conveying convicts to the penitentiary.

Which was read a first time,

By unanimous consent,

Under a suspension of the rules,

The bill was read a second time by title.

On motion of Mr. Robinson,

The rules were further suspended (two-thirds of the members present voting therefor) and,

The bill was read a third time and placed upon its passage.

Mr. J. M. Murphy moved the previous question which was seconded and the main question ordered, viz: Shall the bill pass?

The question being put,

It was decided in the affirmative, yeas 42, nays 14, not voting 26.

Those who voted in the affirmative are:

Messrs.	Messrs.
Berry, C. E.	Murphy, Wm.
Bohm, Chas. F.	Millett.
Chapline.	Mitchell.
Cleveland.	Nunn,
Cort,	Page,
Copeland.	Rankins.
Fox,	Reid.
Fairbrook,	Robinson,
Grimm.	Shipley,
Hankins, A. M.	Shepherd.
Hankins, O. S.	Spence,
Hankins, Turner	Stephenson,
Irelyn	Shepherson,
Johnson, Adam	Strong
Johnson, J. H.	Sumpter,
Joyner,	Stewart,
Latta,	Thompson,
Murphy, J. M.	White,

Messrs.
McLeod,
Marshall,
Merritt.

Those who voted in the negative are:-

Messrs.
Walker.
Williams.
The Speaker.

Messrs.
Chandler.
Cunningham,
Eagle,
Gilbreath,
Haynes,
Harley,
Kent,
Lee,
Lynn,

Those absent or not voting are:-

Messrs.
Berry,
Beardsley,
Bynum, Reid
Beasley,
Biddulph
Cobell,
Chapman,
Crumbley,
Cate,
Davis,
Ennis,
Foster,
Frost,

Messrs.
Garrett,
Harris,
McGehee,
McKeigh,
Preston,
Parrish,
Robertson,
Sarber,
Turner,
Thurman,
Warnock
Kingston,
Wheat.

So the bill was passed.
And then,
On motion of Mr. Reid
The House at 5 o'clock and
19 minutes P.M. adjourned.

Approved
Chas M Oakley Speaker.
Attest
Humphries Clerk.

Wednesday, April 23, 1873,

The roll being called it appeared that the following named members were present and answered to their names viz:-

Messrs. C. E. Berry, Paul Bunn, Chas. F. Bunn, Bridenthal, Chaplin, Corbell, Cleveland, Cort, Copeland, Chandler, Chapman, Crowley, Cate, Cunningham, Davis, Ennis, Eagle, Fox, Frutchey, Foster, Gist, Gilbreath, Garrett, Gibson, Hawkins, Hamer, Harris, Reynolds, Harley, Adair Johnson, J. H. Johnson, Joyner, Kimpton, Kent, Lee, Lynn, Latta, Mr., Murphy, McLeod, Marshall, Merritt, Mullen, McKnight, Matheny, Mitchell, Nunn, Page, Preston, Pindall, Rankin, Reid, Robertson, Robinson, Safer, Shipley, Shappard, Spears, Stephenson, Shippeyon, Storey, Stewart, Turner, Thurman, Tillar, Warwick, White, Walker, Williams, The Speaker,

Prayer by the Rev. W. H. Gillam.

On motion of Mr. Cort,

The reading of the journal was dispensed with.

Under the rule,

The House proceeded to consider the joint resolution of the Senate (S. Jt. Res. 11) a joint resolution to approve the bonds of the sheriff, clerk and treasurer of Hempstead county.

Which was read a third time and placed upon its passage.

Mr. Corbell moved the previous question which was seconded, and the main question ordered, viz: Shall the joint resolution pass?

The question being put,

It was decided in the affirmative,— yeas 36, nays 28, not voting 18.

Those who voted in the affirmative are:-

Messrs.

Bunn, Seal
Bunn, Chas. F.
Chaplin,
Corbell,
Cort,
Copeland,
Fox,

Messrs.

Marshall,
Merritt,
Mullen,
Page,
Rankin,
Robinson,
Safer,

Messrs.

Bartlett,
Hankins, A. M.
Hankins, O. S.
Hankins, Thomas.
Harris,
Johnson, Adam
Johnson, J. M.
Joyner,
Kingston,
Lee,
Murphy, Wm.

Those who voted in the negative:-

Messrs.

Bidenthal,
Cleveland,
Chandler,
Chapman,
Crowley,
Gatlin,
Cunningham,
Currie,
Eagle,
Fuller,
Gilbreath
Ingrett,
Reynolds,
Hardy,

Messrs.

Shipley,
Sheppard,
Spears,
Stephenson,
Shepperson,
Strong,
Turner,
Warwick,
White,
Williams,
The Speaker,

Those absent or not voting:-

Messrs.

Berry, C. E.
Beaty, J. M.
Beardsley,
Bearley,
Doyle,
Gist,
Grissom,
Murphy, J. M.
Roberts,
So the Bill / Joint resolution was passed.

Messrs.

Kent,
Lynn,
Latta,
McHugh,
Matheny,
Overton,
Pindall,
Reid,
Robertson,
Thomason,
Tillar,
Thornberry,
Walker,
Wright,

McLeod,
McGehee,
Mitchell,
Nunn
Parish,
Sumpter,
Stewart,
Thomas,
Wheat,

Mr. Page moved that the vote last taken be reconsidered and also moved that the motion

to reconsider be laid on the table: which latter motion was agreed to.

The House proceeded to consider the bill of the Senate (S. 99) entitled An act to legalize a subscription made by the city of Pine Bluff Jefferson county, Arkansas, to the Pine Bluff Hiss Company.

Which was read a first time,

By unanimous consent

Under a suspension of the rules,

The bill was read a second time by title,

On motion of Mr. Harris.

The rules were further suspended (two-thirds of the members present voting therefor), and

The bill was read a third time and placed upon its passage,

Mr. Robinson moved the previous question which was seconded and the main question ordered, viz: Shall the bill pass?

The question being put,

It was decided in the affirmative,—yeas 47, nays 6, not voting 29,

Those who voted in the affirmative are—

Messrs.

Beny, C. E.
Bynum, Isaac
Bynum, Chas. F.
Bridenthal,
Chaplin,
Cobb,
Cleveland,
Cole,
Copeland,
Chapman,
Davis,
Erwin,
Eagle,
Fix,
Furbush
Gist,
Gilbreath,
Green,

Messrs.

Joyner,
Kingston,
Kent,
Lee,
Murphy, Jno.
Marshall,
Merritt,
Miller,
Rankin,
Robinson,
Sayler,
Shipley,
Sparks,
Stephenson,
Shepperson,
Stewart,
Turner,
Tillar,

Messrs.

Frankins O.S,
Hankins, Simon
Harris
Hawley,
Johnson, Adam
Johnson, J. M.

Those who voted in the negation are-

Messrs.

Thornbury,
Warnick,
Williams,
Wright,
The Speaker,

Messrs.

Chandler,
Cunningham,
Foster,

Those absent or not voting are:-

Messrs.

Berry, J. M.
Beardsley,
Beasley,
Brawley,
Cate,
Gibson,
Hankins, A. M.
Hynds,
Izlyn
Lynn,
Latta,
Murphy, J. M.
McLeod,
McAfee,
McNeely,

Messrs.

Mathery,
Reid,
Thomason,

Messrs.

Mitchell,
Owen,
Paye,
Preston,
Pindall,
Parish,
Robertson,
Shappard,
Sims,
Simpkins,
Symms,
White,
Wheat,
Walker.

So the Bill was passed,

Mr. Harris moved that the vote last taken be reconsidered and also moved that the motion to reconsider be laid on the table: which motion was agreed to.

The House proceeded to consider the Bill of the Senate (S. 127) entitled An act supplementary to an act for the creation, organization and maintenance of the Arkansas Industrial University with a Annual department therein, approved March 27, 1871 and to establish a normal branch college.

Which was read a second time.

On motion of Mr. Harris.

The rules were further suspended (two-thirds of the members present voting therefor) and

The bill was read a third time and placed upon its passage.

Mr. J. H. Johnson, moved the previous question which was seconded and the main question, viz: Shall the bill pass?

The question being put,

It was decided in the affirmative.—

yeas 39 nays 14, not voting 29.

Those who voted in the affirmation are:—

Messrs.

Berry, C. E.
Bohm, Seyl
Bunn, Chas. F.
Breidenthal.
Chaplin.
Cottrell,
Crist.
Copeland.
Chapman,
Davis,
Dunn,
Fox,
Geist,
Grimm,
Hankins, A. H.
Hankins, O. S.
Hankins, Homer.
Harris,
Hynds.
Irby,
Johnson, Adam
Johnson J. R.

Messrs.

Kinyon,
Murphy, Wm.
Marshall,
Merritt,
Mullen,
Robinson,
Sayler,
Shrigley,
Speck,
Stephenson,
Shepherd,
Strong,
Tinsley,
Tilton,
Thornburg.
Williams.
Wright.

Those who voted in the negation are:—

Messrs.

Chandler,
Cunningham,
Foster,
Gilbreath,
Gossett,

Messrs.

Lynn,
McLeod,
Maltby,
Reid,
Thompson,

Messrs.
Harley,
Kent,
Those absent or not voting are:—

Messrs.
Berry, J. H.
Bellcudley,
Beasley,
Cleveland,
Conroy,
Cate,
Cayle,
Firbank,
Haynes,
Lee,
Little
Memphis, J. H.
McAlpheen,
McVeigh,
Mitchell,

Messrs.
Walker,
The Speaker,

Messrs.
Nunn,
Paige,
Preston,
Pridgell,
Parrish,
Rankins,
Robertson,
Shapbard,
Simpkins,
Sleyrab,
Thurman,
Warwick,
White,
Wheat,

So the bill was passed.

Mr. Harris moved that the vote last taken be reconsidered and also moved that the motion to reconsider be laid on the table; which latter motion was agreed to.

The hour of 10 o'clock and 30 minutes A. M. having arrived.

The House proceeded to consider the special order set for that hour being the consideration of the substitute for the bills of the Senate (S 46, 95) entitled An act to redistrict the state for congressional purposes.

Which was read a third time and placed upon its passage.

Mr. Corbett moved the previous question which was seconded and the main question ordered, viz: Shall the bill pass?

The question being put.

It was decided in the affirmative.

— yeas 40, nays 29, not voting 13.

Those who voted in the affirmative are:—

Messrs.

Berry, C. E.
Byhan, Paul
Bynum, Chas. F.
Chapline,
Corbell,
Cox,
Copeland,
Davis,
Dix,
Dunbar,
Epperson,
Hankins, A. M.
Hankins, D. S.
Hankins, Thomas
Harris,
Irby,
Johnson, Adam,
Johnson, J. M.
Kingston,
Kent,

Those who voted in the negative are:-

Messrs.

Bridenthal,
Cleveland,
Chandler,
Chapman,
Crowley,
Cate,
Cunningham,
Ervin,
Eagle,
Foster,
Gant,
Gilbreath,
Gorrell,
Hynds,
Hagler,

Those absent or not voting are:-

Messrs.

Berry, J. R.
Bedsaddley,

Messrs.

Murphy, Thos.
McLeod,
Marshall,
Maiden,
Nunn,
Page,
Rankins,
Robinson,
Sasser,
Shipley,
Shuford,
Spears,
Stephenson,
Shepperson,
Story,
Sinclair
Stewart
Waynick,
White,
The Speaker

Messrs.

Joyner,
Lee,
Lynn,
McKnight,
McKinney,
Paxton,
Pindall,
Reid,
Robertson,
Thomas,
Tillett,
Thornburg,
Walker,
Wright

Messrs.

Mitchell,
Patrick,

Messrs. Beardsley, Latta, Murphy, J. M., McGehee, Merritt

Messrs. Sumpter, Freeman, Trent, Wilbourn,

So the bill was passed.

A message from his Excellency the governor by Mr. McClanahan his private secretary, was by unanimous consent received as follows, to-wit:

Executive Office, Little Rock, Ark. April 23, 1873.

To the House of Representatives of Arkansas:

I have signed and approved House Bill entitled "An act defining the powers and regulating the duties of guardians, curators and wards," which is herewith returned,

Elisha Baxter,
Governor of Arkansas.

The House proceeded to consider the bill of the Senate (S. 194) entitled An act to authorize counties, cities and towns to issue bonds for the purpose of building public buildings and bridges and providing for the registration of said bonds.

Which was read a first time,
By unanimous consent,
Under a suspension of the rules,
The bill was read a second time by title,
On motion of Mr. Trent,
The rules were further suspended (two-thirds of the members present voting therefor) and
The bill was read a third time,
Pending the reading of the bill,

Mr. Hudgins moved that the further reading of the bill be dispensed with;

Mr. Cunningham called for the reading of the bill,

The Speaker ruled the motion to dispense with the further reading of the bill was out in order,

Mr. Cornell appealed from the decision of the chair,

The question being put, Shall the decision

of the chair be sustained?

It was decided in the negative.— yeas 28 nays 36.

The yeas and nays being demanded by the Speaker,

Those who voted in the affirmative are:-

Messrs.

Bridenthal,
Chandler,
Crowley,
Cate,
Cunningham,
Ervin,
Eagle,
Foster,
Gist,
Gilbreath,
Garrett,
Haynes,
Harley,
Snyder,

Messrs.

Lee,
Lynn,
McKeigh
Matheny,
Preston,
Pindall,
Reid,
Shappard,
Shipperon,
Thurman,
Walker,
Fillar,
Thornbury,
Wright

Those who voted in the negative are:-

Messrs.

Berry, C. C.
Bohon, Neal
Bunn, Chas. D.
Chapline,
Cantrell,
Cleveland,
Cole,
Copeland,
Davie,
Grimm,
Hopkins, A. M.
Hopkins, O. S.
Hopkins, Mann
Hall's,
Irelyn,
Johnson, Adam
Johnson, J. A.
Kingston

Messrs.

Kent,
Murphy, Wm.
McClure,
Marshall,
Millen,
Nunn,
Page,
Rawlins,
Robinson
Sauber,
Shipley,
Speaks,
Stephenson,
Strong,
Stewart,
Turner,
White,
Williams,

So the decision of the chair was not sus-

tained,

The motion to dispense with the further reading of the bill was then agreed to.

And,

The question being put, Shall the bill pass?

It was decided in the affirmative. — yeas 40, nays 26, not voting 16.

Those who voted in the affirmative are:-

Messrs.

Berry, G. E.
Bohm, Saul,
Bynum, Chas. F.
Chaplin,
Cobell,
Cox,
Copeland,
Chapman,
Davie,
Faircloth,
Grimm,
Hankins, A. M.
Hankins, O. S.
Hankins, Thos.
Harris,
Jordyn,
Johnson, Adam
Johnson, J. M.
Kingston,
Kent,

Those who voted in the negative are:-

Messrs.

Murphy, Wm.
McCord,
Marshall,
McAllen,
McVeigh,
Munn,
Page,
Rawlins,
Robinson,
Sayles,
Shipley,
Speaks,
Stephenson,
Stamy,
Stewart,
Turner,
Warwick,
White,
Wilbourn,
The Speaker,

Those who voted in the negative are:-

Messrs.

Bridenthal,
Chandler,
Crowley,
Cate,
Cunningham,
Egnew,
Eagle,
Fuller,
Gist,
Gilmath,
Gusett,

Joyner,
Lynn,
Matheny,
Preston,
Pindall,
Reid,
Robertson,
Shuford,
Shipman,
Tillett,
Thornburg,

Messrs. Walker.
Reynolds. Wright.
Hazley.
Those absent or not voting are:-
Messrs. Messrs.
Berry, J. H., Mobley,
Beardsley. Merritt,
Beasley, Mitchell,
Cleveland, Parish,
Fox, Shappard,
Lee, Shipperson,
Latta, Sumpter,
Murphy, J. M. Wheat,
So the bill was passed.

Mr. Neal Bynum moved that the vote last taken be reconsidered and also moved that the motion to reconsider be laid on the table; which latter motion was agreed to.

Mr. Cunningham subsequently sent to the clerk's desk the following protest to the proceedings on the above bill, viz:-

We the undersigned members of the House of Representatives protest against the manner of the passage of Senate Bill No 194, entitled An act, to authorize counties, cities and towns to issue bonds for the purpose of public buildings and bridges and providing for the registration of said bonds. In this that the rules were not suspended, nor was the bill read on three serial days as provided by the constitution; and further because during the pendency of this bill Hon. J. F. Cunningham demanded the reading of the bill for his information (the same not having been read at any time). The chair ordered that he had a right to have the bill read through, an appeal was taken from the decision of the chair and the decision overruled: and the bill was passed without one being read, whilst members were demanding the reading of the bill. We pronounce such action as unlawful, unconstitutional, and revolutionary.

A. Thurman,
John. I. Preston
Wm. Armbrey,
Wm. G. Latta.
E. J. Pindall.
L. C. Walker.
F. W. Lyons
James. M. Gist
David Chandler
J. W. Leggett
W. H. C. Reid.
M. M. Ennis
R. Joyner.
Wm. A. Gate,
John J. Sumpter.

A message from the Senate by Mr. Orrick their Secretary, viz:—

Senate Chamber, April 23, 1873.

Mr. Speaker: I am instructed by the Senate to inform your honorable body that the Senate have passed Substitute for H. B. 124 entitled an act to authorize certain counties to fund the outstanding indebtedness, with the accompanying amendments, and ask your concurrence therein.

The House proceeded to consider the Senate substitute for the bill of the House (S. Sub. H. R. 87) entitled An act for the maintenance of a system of free common schools in the state of Arkansas.

Which was read a first time.

Pending the reading of the bill,

On motion of Mr. J. H. Johnson,

Ordered, That the bill be rejected,

The House proceeded to consider the bill of the Senate (S. 181) entitled An act to authorize the funding of a floating debt of the cities of Pine Bluff and Fort Smith.

Which was read a first time.

Mr. Kingston moved that the rules be further suspended and that the bill be read a second time.

J. F. Cunningham
D. J. Hynds.
Wm. R. Harley,
Willis Robertson,
L. D. Fulbreath,
W. G. Mahoney,
B. H. Crosby,
H. M. McHaigh,
J. P. Eagle,
J. J. W. Dillon,
J. W. Thurman,
J. H. Berry,
D. Bridenthal
Joseph Wright

Mr. Pindall asked for the yeas and nays
The question being put, Shall the rules be
suspended?
It was decided in the negative. — yeas
34, nays 21.
The yeas and nays being desired by five
members,
Those who voted in the affirmative are:-

Messrs.

Berry, C. G.
Bynum, Chas. F.
Chaplin,
Cobell,
Cleveland,
Cox,
Copeland,
Cate,
Davis,
Ennis,
Fox,
Fairbrush,
Grissom,
Hankins, A. M.
Hankins, O. S.
Hankins, Simon.
Harris.

Those who voted in the negative are:-

Messrs.

Brideathal.
Chandler.
Chapman.
Crowley,
Cunningham,
Eagle,
Foster,
Gist.
Gilbreath,
Iyerett.
Harley,

Messrs.

Lynn,
McKnight,
Mallory,
Preston,
Pindall,
Reid,
Thynn,
Thomason,
Walker,
Wright.

So the rules were not suspended
(two thirds of the members present not
voting therefor).

The House proceeded to consider the bill of the Senate (S. 90) entitled An act for the relief of the state guards and for other purposes.

Which was read a third time and placed upon its passage.

Mr. Cobell moved the previous question which was seconded and the main question ordered, viz: shall the bill pass?

The question being put

It was decided in the affirmative. — year 41, nays 24, not voting 17.

Those who voted in the affirmative are:

Messrs.

Bury, E. E.
Brown, Neal
Brown, Chas. E.
Chapline,
Cobell,
Cleveland
Cox,
Copeland,
Crowley,
Davis,
Fox,
Fairbrook,
Gannon,
Hawkins, A. M.
Hawkins, O. S.
Hawkins, Morris
Harris,
Irby,
Johnson, Adam
Johnson, J. H.
Kingston,

Messrs.

Lee,
Murphy, Wm.
Marshall,
Millen,
Nunn,
Page,
Rogers,
Robinson,
Sayre,
Snigley,
Shapband,
Spears,
Stephenson,
Shepperson,
Strong,
Stendit,
Turner,
Hamrick
Williams,
The Speaker.

Those who voted in the negative are:

Messrs.

Bridenthal,
Chandler,
Chapman,
Cole,
Cunningham,
Ervin,

Messrs.

Lynn,
Merritt,
Matheny,
Preston,
Pindall,
Reid

Messrs.

Eagle
Gilbreath.
Gossett.
Hynds.
Harley.
Kent.
Price absent or not voting:

Messrs.

Robertson.
Rymer.
Thomason
Tillar
Walker.
Knight.

Messrs

Berry. J. H.
Beardsley.
Beasley.
Foster.
Gist.
Joyner.
Latta.
Murphy. J. H.
McLeod.

Messrs.

McAlister.
McVeigh.
Mitchell.
Parish.
Sumpter.
Turnbury.
White.
Wheat.

So the bill was passed.

Mr. Kingston moved that the vote last taken be reconsidered and also moved that the motion to reconsider be laid on the table; which latter motion was agreed to.

The House proceeded to consider the bill of the Senate (S. 93) entitled An act for the relief of H. C. DeWolf for damages sustained while on duty with the state militia.

Which was read a first time.

Mr. Entwisle moved that the rules be suspended and that the bill be read a second time.

Mr. Pindall asked for the yeas and nays.

The question being put. Shall the rules be suspended?

It was decided in the affirmative.—yeas 29, nays 26.

The yeas and nays being desired by five members,

Those who voted in the affirmative are:-

Messrs

Berry. C. E.
Chaplin.
Corbell.

Messrs.

Agnew.
Page.
Rankins.

Messrs.
Witt,
Copeland,
Davis.
Fox,
Furbush,
Grossman,
Hawkins, A. M.
Hawkins, Simon
Johnson, Adam
Johnson, J. M.
Kent.
Murphy, Wm.

Those who voted in the negative are:-

Messrs.
Brown, Neal
Brudenthal,
Chandler,
Chapman,
Crowley,
Cunningham,
Cyrus,
Eagle,
Gilbreath,
Gorrett,
Hynds,
Hanley,
Irelan,

Messrs.
Jepson,
Lynn,
Matheny,
Preston,
Pindall,
Reid,
Robertson,
Symms,
Thomas,
Tillar,
Trumbo,
Walker,
Wright.

So the rules were not suspended (two-thirds of the members present not voting therefor).

Then,

On motion of Mr. Furbush,

Ordered that the bill lie on the table and be made special order for 10 o'clock and 30 minutes A. M. on the morrow.

The House proceeded to consider the bill of the House (H. R. 66) entitled An act to change the boundary lines of Woodford, Mason and Prairie counties, together with the Senate amendment thereto, viz:-

Strike out section 1 of the bill and insert in lieu thereof the following section.

Section 1 "That the boundary lines of Woodruff county be changed so that the line dividing the counties of Woodruff and Monroe shall run from the South East corner of Sec. (32) thirty-two, Township (5) five north, Range (2) two west on the township line to the east-west corner of sec (35) thirty-five township (5) N. R. (3) three west."

Mr. Ennis moved that the Senate amendments be concurred in, and

Also moved the previous question, which was seconded and the main question ordered, viz:- Shall the Senate amendments be concurred in?

The question being put,

It was decided in the affirmation. — Yeas 19, nays 10, not voting 2 —

Those who voted in the affirmation are:-

Messrs.

Berry, S. E.
Brickenthal,
Corbell,
Cleveland,
Chandler,
Chapman,
Cate,
Cunningham,
Dane,
Ennis,
Eagle,
F. A.
Furbush,
Foster,
Gist,
Gilbreath,
Garrett,
Hankins, O. S.
Harris,
Hynds,
Johnson, J. H.
Joyner,
Kent,
Lee,
Lynn

Messrs,

Latta,
Murphy, Jno.
Mouldrey,
Nunnelee,
Page,
Preston,
Pindall,
Reid,
Robertson,
Sarber,
Speas,
Stephenson,
Shepperson,
Strong,
Sculpter,
Stewart,
Thurman,
Thomason,
Tillar,
Thornbury,
Warnick,
Walker,
Wright,
The Speaker

Those who voted in the negative are:-

Messrs.

Brown, Neal
Brown, Chas. F.
Chaplin,
Hankins, Thomas
Jolly, W.
Johnson, Adams

Messrs.

McLeod,
Robinson,
Sheppard,
White,
Williams,

Those absent or not voting are:

Messrs.

Berry, J. H.
Beardsley,
Beasley,
Bott,
Copeland,
Crowley,
Dawson,
Hankins, A. H.
Harley,
Kinlaw,
Murphy, J. H.

Messrs.

Marshall,
McGehee,
Merritt,
Mullen,
McNeigh,
Mitchell
Parrish,
Rankins,
Shipley,
Turner,
Wheat

So the Senate amendments were concurred in.

Mr. Dawson moved that the vote last taken be reconsidered and also moved that the motion to reconsider be laid on the table; which latter motion was agreed to.

A message from the Senate by Mr. Orrick their secretary, viz:

Mr. Speaker: I am instructed by the Senate to inform your honorable body of the passage by the Senate of I.S.B. 186 entitled an act to abolish the office of circuit superintendent of public instruction.

Also that the Senate has passed (Sub. H.B. No 26) entitled an act designating the manner in which the Homestead under section four and five of article twelve of the constitution shall be reserved from sale on the death of the owner thereof, for the widow and children of the deceased, with the accompanying amendments, and ask the concurrence of your honorable body therein.

Also, that the Senate has concurred in the amendments adopted and passed by your honorable body to (S.B. 163) entitled "An act to supply deficiencies in the Supreme court reports, and provide for the sale and distribution of the same.

The House proceeded to consider the bill of the Senate (S. 165) entitled An act to authorize the counties of Randolph and Clayton to improve the navigation of Black river in said counties.

Which was read a first time.

By unanimous consent,

Under a suspension of the rules.

The bill was read a second time by title,

On motion of Mr. Thornburg

The rules were further suspended (two-thirds of the members present voting therefor) and

The bill was read a third time and placed upon its passage.

Mr. Cornell moved the previous question which was seconded and the main question ordered, viz: Shall the bill pass?

The question being put,

It was decided in the affirmative, ayes 50, nays 10, not voting 22.

Those who voted in the affirmative are:

Ayes.

Berry, C. E.
Bynum, Chas. T.
Bridgers,
Chapline,
Cobb,
Cornell,
Crisp,
Chapman,
Crowley,
Cate,
Davis,
Ennis,
Fox,
Fuchs,
Gist,
Gilmer,
Gatling,
Hall,
Hoke,
Hyman,
Hampton,
Hill,
Hughes,
Hester,
Hoyle,
Hunter,
Hicks,
Hinsdale,
Hayes,
Hoskins,
Hall,
Jones,
Jenkins,
Jones,
Jones,
Jones

Messrs.

Gorsett,
Grimm,
Hopkins, Mann
Harley,
Irwin,
Johnson, Adam
Johnson, J. M.
Joyner,
Foster,

Messrs.

Stewart,
Turner,
Thurston,
Thornburg,
Warwick,
White,
Williams,
Wright,
The Speaker.

Those who voted in the negative are:-

Messrs.

Bynum, Neal
Copeland,
Chandler,
Eagle,
Kent,

Messrs.

Lee,
Matheny,
Robinson,
Shapiard,
Thompson,

Those absent or not voting are:-

Messrs.

Berry, J. M.
Brandiley,
Beasley,
Cunningham,
Hankins, A. M.
Hankins, O. S.
Harris,
Hyatt,
Kingston
Murphy, J. M.
McLeod,

Messrs.

Marshall,
McInnes
McKeigh,
Mitchell,
Page,
Preston,
Pruden,
Parrish,
Tillar,
Wheat,
Walker.

So the bill was passed.

Mr. Warwick moved that the vote last taken be reconsidered and also moved that the motion to reconsider be laid on the table: which latter motion was agreed to.

On motion of Mr. McKeigh,

The House proceeded to consider the bill of the House (H.R. 26) entitled An act designating the manner in which the limitation under section four of article twelve of the constitution shall be removed from sales on the death of the owner thereof

for the widow and children of the deceased to-
gether with the Senate amendments thereto, viz:-
Strike out section five and substitute the
following.

Section 5. Whenever it shall be made to ap-
pear to the satisfaction of the court holding probate
jurisdiction by the appraisement of the commission-
ers provided for in this act that said lot exceeds
in value the sum of five thousand dollars it
shall be the duty of said court to order the same
to be sold by the sheriff of the county at public out-
cry to the highest bidder for cash in hand within
sixty days after the making of such order, and
upon thirty days advertisement of the same
and actual written notice served upon the
widow and children as to the time, place and
terms of said sale. It shall be the duty of said
sheriff should said lot bring more than five
thousand dollars to pay the forthwith the
excess to the administrator or executor of
the estate of the deceased and to hold the five
thousand dollars subject to the order of the court
or judge thereof either in term time or in vaca-
tion as the case may be. It shall be the du-
ty of said court to require a full and particu-
lar account of the action of the sheriff in
the premises which shall be filed with the
clerk of said court within ten days after
said sale. At any time after the filing of said
statement, the court or judge thereof shall make
an order allowing the widow or the children
as the case may be to select a homestead
in any part of the state, the same to be paid for
under the direction and supervision of said
court or judge thereof, in vacation, that should
said lot not bring more than the sum of five
thousand dollars, it shall not be again of-
fered for sale, but shall thereafter constitute
the homestead of such widow or children.

2nd. Amended as to strike out wherein
the same may read the words "Probate Court,"
and insert the words "court having probate.

jurisdiction.

Mr. McVeigh moved that the House concur in the Senate amendment.

The question being put, Shall the Senate amendments be concurred in?

It was decided in the affirmative, — yeas 52 nays none, not voting 30.

Those who voted in the affirmative are:

Messrs.

Berry, C. E.
Bohm, Neal
Bunn, Chas. F.
Chapline.
Cobell.
Coit,
Copeland,
Chandler,
Cote,
Cunningham,
Ennis,
Evans,
Eagle,
Gist,
Garrett,
Grimm,
Hankins, A. M.
Hankins, Abner
Heynes,
Harley,
Irelan,
Johnson, Adam
Johnson, J. M.
Kingston
Kyle,
Lynn,
Latta

Mesrs.

Murphy, Wm.
Marshall,
Merritt,
Millen,
McVeigh
Matheny,
Nounnan,
Page,
Preston,
Robertson,
Sayler,
Shrigley,
Speck,
Stephenson,
Shepherson,
Stump,
Swisher,
Stewart,
Turner
Thoburn,
Tillar,
Thornburg,
White,
Walker,
Williams,
The Speaker

None voting in the negative.

Those absent or not voting are:-

Messrs.

Berry, J. M.
Beardsley,
Beasley,
Breidenthal,

Messrs.

Lee,
Murphy, J. M.
McLeod,
McGehee,

Messrs.

Blanchard,
Chapman,
Crowley,
Davis,
Fox,
Funkhouser,
Foster,
Gilbreath,
Hankins. O. S.
Harris.
Joyner.

Messrs.

Mitchell,
Pindall,
Parnish,
Rawlins.
Reid.
Robinson.
Sharpsaul.
Shinn.
Warwick.
Wheat,
Wright.

So the Senate amendments were concurred in.

A message from the Senate by Mr. Orrick their Secretary viz:-

Senate Chamber April 23. 1873.

Mr. Speaker: I am instructed by the Senate to inform your honorable body of the passage by the Senate of Sub. for S.B. 187. entitled An act to remove the county seat of Pope county.

Also of H.B. 309. entitled an act to extend the time for the collection of taxes in the counties of Hempstead and Pope.

On motion of Mr Kingston,

The House proceeded to consider the substitute for the bill of the House (Sub. H.R. 124) entitled An act to authorize certain counties to fund their outstanding indebtedness, together with the Senate amendments thereto. [These amendments were taken from the files of the House for the use of the Committee on Enrolled Bills, and not returned. — Journal Clerk]

Mr. Kingston moved that the House concur in the Senate amendments.

The question being put

It was decided in the affirmative. — year 40. nays 22. not voting 20.

Those who voted in the affirmative are:-

Messrs.

Berry. C. E.
Brown. Paul.

Messrs.

Kent.
Lee.

Messrs.

Brown, Chas. D.
Chaplin.
Corbell.
Cox,
Copeland,
Davis,
Fox,
Fyffe
Gantt,
Grimm,
Hankins, A. M.
Hankins, O. S.
Hankins, Wm.
Harris,
Hynds,
Johnson, Adam
Johnson, J. M.
Kingston.

Those who voted in the negative are:-

Messrs.

Berry, J. M.
Bidenthal,
Chandler,
Chapman,
Conley,
Cunningham,
Cann.
Eagle,
Foster,
Gilbreath,
Hardy.

Those absent or not voting are:-

Messrs.

Beardsley,
Beasley,
Cleveland,
Cate,
Garrett,
Gilyn,
Lynn,
McAshee

Messrs.

Murphy, J. M.
Murphy, Wm.
McLeod,
Marshall,
McAllen,
Page,
Robinson,
Sasser,
Shipley,
Shepard,
Spears,
Shepperson,
Sherry,
Stewart,
Turner,
Warwick
Williams,
The Speaker.

Messrs.

Joyner,
Latta,
Matheny,
Mitchell,
Preston,
Pindall,
Reid,
Sumpter,
Tilman,
Thornburg,
Walker.

Messrs.

Nunn,
Parrish,
Rankin,
Robertson,
Stephenson,
Thorne,
Thurman,
White.

Messrs. Merritt. McVeigh.

Messrs. Wheat. Wright.

So the Senate amendments were concurred in.

Mr. Cox from the Committee on Enrolled Bills reported correctly enrolled the bill of the House (H. R. 349) entitled An act supplemental to an act to divide the state into sixteen judicial circuits, to confer original jurisdiction in all matters of probate and administration upon the circuit court and to fix the time for holding the courts.

Thereupon,

On motion of Mr. Barber.

The House at 11 o'clock and 56 minutes A. M., took a recess until 3 o'clock P. M.

After the Recess.

The House met at 3 o'clock P. M.

The roll being called it appeared that the following named members were present and answered to their names, viz:—

Messrs. C. E. Berry, J. H. Berry, Neal Brown, Chas. F. Brown, Bridenthal, Chapline, Cottell, Cleveland, Copeland, Chandler, Chapman, Crowley, Cate, Cunningham, Davis, Emrich, Eagle, Fox, Fairbairn, Foster, Gist, Gilbreath, Garrett, Grissom, A. M. Hawkins, O. S. Hawkins, Homer Hawkins, Hans, Heynes, Hailey, Adam Johnson, J. H. Johnson, Joyner, Kent, Lee, Lynn, Latta, J. M. Murphy, Jno. Murphy, McLeod, Marshall, McGehee, Merritt, Miller, McVeigh, Matheny, Mitchell, Nunn, Paye, Peyton, Pindall, Rawlins, Reid, Robertson, Robinson, Shipley, Shappard, Spears, Stephenson, Sheppeard, Shinn, Shannon, Tillar, White, Walker, Williams, Wright, The Speaker.

On motion of Mr. Copeland.

The consideration of the special order set for the hour hereof, being the consideration of the report of the select committee instructed to investigate the issuance of bonds and their uses, was postponed until 3 o'clock P. M.

on the journal.

Mr. Miller gave notice that he would at some future time move to reconsider the vote by which the House rejected the Senate substitute for the bill of the House (S. Sub. H. R. 87) entitled An act for the maintenance of a system of free common schools in the State of Arkansas.

On motion of Mr. Shepperson,

The Committee on Engrossed Bills was instructed to report the bill of the House (H. R. 361) entitled An act to regulate the publication of legal notices.

Whereupon,

Mr. Catt from the Committee on Engrossed Bills returned, without report thereon, the bill of the House (H. R. 361) entitled An act to regulate the publication of legal notices.

By unanimous consent,

The House proceeded to consider the bill of the House (H. R. 361) entitled An act to regulate the publication of legal notices.

Mr. Cobell moved that the bill be returned to the Committee on Engrossed Bills.

Which was not agreed to.

Then,

On motion of Mr. Ennis,

The bill was read a third time and placed upon its passage.

Mr. Cobell moved the previous question which was seconded, and the main question ordered, viz: Shall the bill pass?

The question being put,

It was decided in the affirmative, — yeas 57, nays 0, not voting 2.

Those who voted in the affirmative are:

Messrs.

Berry, J. H.,
Brideenthal,
Chapline,
Cobell,
Cleveland,
Cox,
Chandler,
Latta,
Murphy, J. M.,
Murphy, Wm.,
Marshall,
Merritt,
McVeigh,
Mahony,

Messrs.

Messrs.

Crowley,
Cates,
Cunningham,
Ennis,
Eagle,
Firebrace,
Gist,
Gilbreath,
Garrett,
Grissom,
Hankins. O. S.
Harris,
Hynds,
Harley,
Irelyn,
Joyner,
Kent,
Lee,
Lynn.

Those who voted in the negative are:

Messrs.

Page,
Preston,
Pindall,
Reid,
Robertson,
Robinson,
Shepperson,
Shivey,
Sandpit,
Stewart,
Joyner,
Thomason,
Tillar,
Thornbury,
Wainwick,
White,
Williams,
Wright.

Those who voted in the negative are:

Messrs.

Bunn, Neal
Hankins, Mason
Johnson, Adam.
Johnson, J. H.
McLeod,

Those absent or not voting are:-

Messrs.

Berry, C. C.
Beardsley
Bunn, Chas. J.
Beasley.
Copeland,
Chapman.
Davis,
Fox,
Foster,
Hankins, A. M.
Kingston,

Messrs.

Nunn,
Shipley,
Shapland,
Spears,
Stephenson,

Messrs.

McGehee,
Miller,
Mitchell,
Parrish,
Rawlins,
Sayles,
Thomas,
Wheat,
Walker,
The Speaker,

So the bill was passed.

A message from the Senate by Mes Or-

nick their secretary, viz:-

A message from the Senate by Mr. Orrick their secretary, viz:-

Senate Chamber.

Little Rock, Ark. April 23, 1873.

Mr. Speaker: I am instructed by the Senate to inform your honorable body of the passage by the Senate of S. B. No 203 entitled An act requiring Pulaski county to pay a proportionate amount of the necessary repairs on the State House and grounds.

Also (H. B. 332) entitled "An act for the relief of the securities of Elizabeth Thomas late of St. Francis county.

Also (H. B. 254) entitled A bill to protect lessees of this state from injury by mules or other wheeled vehicles, and ask your honorable body for your concurrence in the accompanying amendments.

Also (H. B. 343) entitled An act to provide for adding territory to cities of the first class.

Also (H. B. 356) entitled An act to authorize certain parties to construct a levee.

Also, that the Senate has concurred in amendments adopted and passed by your honorable body to (S. Joint Res. No. 5) entitled a resolution. To propose amendment to the constitution which if adopted and ratified in the manner prescribed by Article 13 shall thereafter be substituted for and known as article 12 of the constitution of the state of Arkansas.

Mr. J. H. Johnson gave notice that he would at some future time move to reconsider the vote by which the House agreed to the passage of the bill of the Senate (S. 13) entitled An act for the benefit of the Arkansas Institute for the Blind.

Under the rule,

The House proceeded to consider the bill of the Senate (S. 176) entitled An

"ct to provide for the paying for the catholic church destroyed at Rocky Comfort.

Which was read a first time.

By unanimous consent,

Under a suspension of the rules,

The bill was read a second time by title.

Mr. Robinson moved that the bill be rejected.

Mr. Corbell moved the previous question. Which was seconded, and under the operation thereof the motion was disagreed to,

Then,

On motion of Mr. A. M. Hankins,

The rules were further suspended (two-thirds of the members present voting therefor) and

The bill was read a third time and placed upon its passage.

The question being put, Shall the bill pass?

It was decided in the affirmative. — yeas 30, nays 19, not voting 13.

Those who voted in the affirmative are:-

Messrs,

Berry, C. E.
Brown, Neal
Brown, Chas. G.
Chapline.
Corbell,
Cleveland,
Coit,
Chapman,
Davis,
Ennis,
Fox,
Furbush,
Foster,
Grissom,
Hankins, A. M.
Hankins, O. S.
Hankins, Turner
Harris,
Jolyn,
Johnson, Adam
Joynes,
Murphy, Jno.
McLeod,
Marshall,
Merritt,
Millen
McVeigh,
Irwin,
Page,
Preston,
Reid,
Sauter,
Shipley,
Shappard,
Shepperson,
Stump,
Snyder,
Turner,
Tillar,
Thornbury,
Waynick,
White

Messrs,

Messrs.
Kingston,
Kent,
Lee,
Murphy, J. M.
Those who voted in the negative are:-
Messrs.
Walker,
Williams,
Wright,
The Speaker.
Messrs.
Berry, J. M.
Copeland,
Chandler,
Crowley,
Cate,
Cunningham,
Eagle,
Gilbreath,
Gossett,
Reynolds.
Harley,
Latta
Mauney,
Randall,
Rawlins,
Spears,
Stephenson,
Stewart,
Thomason,
Those absent or not voting are:
Messrs.
Beasley,
Beasley,
Bridenthal,
Grist,
Johnson, J. M.
Lynn,
Mitchell,
Messrs.
McGehee
Parrish,
Robertson,
Robinson,
Sumpter,
Wheat
So the bill was passed.
Mr. Turner moved that the vote last taken be reconsidered, and, also, moved that the motion to reconsider be laid on the table; which latter motion was agreed to.
Mr. Warwick, from the Committee of Ways and Means to whom was referred the bill of the House (H. R. 283) entitled An act to preserve the records of the state reported the same and recommended a substitute therefor entitled An act to provide for the copying and preservation of militia records in the Auditor's office, and for the copying mutilated records, and the comparing, classifying of other records in the office of Commissioner of Immigration and State Lands in this State
The report of Committee was adopted

the substitute was accordingly adopted in lieu of the original bill.

Mr. Kent moved that the substitute bill be amended by striking out the words "ten thousand" and inserting the words "five thousand" and also strike out "$6." and insert "$5" for clerk hire

Mr. J. H. Johnson moved that the amendment be rejected.

Mr. Corbell moved the previous question which was seconded and the main question ordered, viz: Shall the amendment be rejected?

Mr. Dunpton asked for the yeas and nays

The question being put,

It was decided in the affirmative.— yeas 35, nays 27.

The yeas and nays being demanded by five members.

Those who voted in the affirmative are; Messrs,

Berry, G. E.
Bohm, Fred
Brown, Chas. F.
Chapline,
Copeland,
Fix,
Furbush,
Grissom,
Hankins, A. H.
Hankins, O. S.
Hanley
Iselin,
Johnson, Adam
Johnson, J. H.
Kingston,
Lee,
Murphy, J. M.
Murphy, Wm.

Marshall,
McVeigh,
Rankins,
Robertson,
Robinson,
Sayer,
Shipley,
Shappard,
Spears,
Stephenson,
Shepherd,
Sperry,
Turner,
Warwick,
White,
Williams
The Speaker

Those who voted in the negative are; Messrs.

Berry, J. H.
Buckenthal,

Barrett,
Miller,

Messrs.

Chapman.
Crowley.
Cunningham.
Ervin.
Eagle.
Gist.
Gilbreath.
Jarrett.
Reynolds.
Kent.
Lynn.
McLeod.

Messrs.

Mathews.
Mundy.
Preston.
Pindall.
Reid.
Sumpter.
Stewart.
Thurman.
Tillar.
Walker.
Wright.

So the amendment was rejected.

Mr. Kent moved that the bill be amended by striking out the words "six dollars per day" and inserting in lieu there of the words "four dollars per day"

Mr. Robinson moved that the amendment be rejected and

Also, moved the previous question which was seconded, and the main question ordered, viz: Shall the amendment be rejected?

Mr. Reid asked for the year and nays.

The question being put.

It was decided in the affirmation. — year 37, nays 29.

The year and nays being desired by five members.

Those who voted in the affirmation are:

Messrs.

Berry, C. E.
Brown, Neal
Brown, Chas. F.
Chapline.
Cleveland,
Cox.
Copeland.
Chapman.
Dare.
Fox.
Furbush.
Grisson.
Hawkins, A. M.

Messrs.

Kingston.
Lee.
Murphy, J. M.
Murphy, Wm.
Marshall.
Nunn.
Cage.
Robinson.
Sarter.
Shrigley
Speaks.
Stephenson.
Shepherson.

Messrs.

Harkins, O. S.
Harkins, Hamm
Harris.
Joslyn.
Johnson, Adam
Johnson, J. D.

Messrs.

Sumner.
Warnick.
White.
Williams.
The Speaker.

Those who voted in the negative are:-

Messrs.

Berry, J. D.
Birdenthal.
Bostell.
Chandler
Cunningham.
Ennis.
Eagle.
Gist.
Gilbreath,
Gorrell,
Hynds.
Harley.
Joyner.
Kent,
Lynn.

Messrs.

McLeod,
Merritt,
Millen,
Matheny,
Preston.
Pindall,
Reid.
Sumpter.
Stewart.
Thorne,
Thurman.
Tillar.
Walker,
Wright.

So the amendment was rejected.

Then.

On motion of Mr. Robinson.

Under the operation of the previous question.

The bill was read a third time and placed upon its passage.

The question being put, Shall the bill pass?

It was decided in the affirmative. - yeas 35. nays 30. not voting 17.

Those who voted in the affirmative are:-

Messrs.

Berry, C. E.
Brown, Seal
Brown, Chas. D.
Chaplin
Cox,
Copeland.
Davis.

Messrs.

Marshall.
Nunn.
Page.
Rawlins.
Robinson.
Sayles.
Shipley.

Messrs.

Fox,
Furbush,
Grimm,
Hawkins, A. M.
Hawkins, Moses
Hays,
Jarvis,
Johnson, Adam
Johnson, J. H.
Murphy, J. M.
Murphy, Wm.

Those who voted in the negative are:-

Messrs.

Berry, J. H.
Blidenthal,
Cleveland,
Chandler,
Chapman,
Cate,
Cunningham,
Ervin,
Eagle,
Foster,
Gilbreath,
Gerrett,
Kent,
Lee,
Lynn,
MacLeod,
McGehee,
Merritt,
Millen,
McVeigh,
Matheny,
Preston,
Randall,
Reid,
Sumpter,
Stewart,
Thomason,
Tillman,
Walker,
Wright.

Those absent or not voting are:-

Messrs.

Beardsley,
Bearley,
Corbell,
Crowley,
Gist,
Hawkins, O. S.
Hayrds,
Harley,
Ivey,
Shappard,
Speare,
Stephenson,
Shepperson,
Strong,
Tucker,
Warnick,
White,
Williams
The Speaker.

Messrs.

Kingston,
Latta
Mitchell,
Parrish,
Robertson,
Thorn,
Thornberry,
Wheat.

So the bill was passed.

Mr. Robinson moved that the vote last

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taken be reconsidered and also moved that the motion to reconsider be laid on the table: which latter motion was agreed to.

Mr. Warwick also, from the same committee to whom was referred the bill of the House (H. R. 289) entitled An act authorizing restricting and regulating the subscription issue and registration of bonds by cities and towns, reported the same and recommended a substitute therefor.

Pending the reading of the bill recommended as a substitute,

Mr. Sumpter at 4 o'clock and 24 minutes P. M. moved that the House adjourn.

Which was not agreed to.

Pending the further reading of the bill

Mr. Page at 4 o'clock and 30 minutes P.M. moved that the House take a recess until 7 o'clock and 30 minutes P.M.

Mr. Reid moved that the House adjourn and

Also asked for the year and nays.

The question being put,

It was decided in the negative. — year 22, nays 42,

The year and nays being demanded by five members,

Those who voted in the affirmative are:-

Messrs.

Berry, J. M.
Bridenthal.
Chandler.
Crowley.
Cunningham.
Erwin,
Eagle.
Fox,
Gilbreath.
Gossett.
Haynes.
Harley,

Lynn,
Mahoney.
Pindall.
Reid.
Sheppard.
Sumpter.
Thurman
Tillar.
Walker
Wright

Those who voted in the negative are:-

Messrs.

Berry, C. E.
Byhan, Paul
Bynum, Chas. F.
Chapline.
Corbell.
Cleveland.
Cox,
Copeland.
Chapman.
Cate,
Davie,
Durham.
Gannon.
Hankins. A. M.
Hankins, O. S.
Hankins. Monroe
Harris.
Jordyn.
Johnson. Adam
Johnson, J. M.
Kent.

Messrs.

Lee.
Murphy. Wm.
Murphy. J. M.
McLeod.
Marshall.
McIntyre.
Nixon.
Robinson.
Sapten.
Shrigley.
Speads.
Stephenson.
Sheppeard.
Sloan.
Stewart.
Turner.
Thomas.
Warwick.
White.
Williams.
The Speaker.

So the House refused to adjourn.

The question recurring on the motion that the House take a recess until 7 o'clock and 30 minutes P.M.

It was not agreed to.

The reading of the bill being concluded.

Mr. J. M. Johnson moved that the report of the committee be adopted.

Pending the consideration of the motion Mr. O. S. Hankins, at 4 o'clock and 55 minutes P.M. moved that the House take a recess until 7 o'clock and 30 minutes P.M.

The question being put,

It was decided in the negation.—

Ayes 26, nays 42.

The yeas and nays being demanded by the Speaker,

Those who voted in the affirmation are;—

Messrs.

Bynon, Neil
Bridenthal.
Corbell.
Cleveland.
Cort.
Copeland.
Davie.
Dorter.
Gilbreath.
Hankins. A. Mc
Hankins. O. S.
Harris.
Johnson, Adam

Messrs.

Johnson, J. K.
Kincaton.
Kent.
Lee.
Murphy, Wm.
McLeod.
Marshall.
McGehee.
Merritt.
Page.
Rawlins.
Robinson
Shepperson.

Those who voted in the negative are:

Messrs.

Berry. C. E.
Berry, J. A.
Bynum, Chas. F.
Chapline.
Chandler,
Cowley.
Cate.
Cunningham,
Ennis.
Eagle,
Fix.
Fruitbush,
Gorrell.
Grissom,
Harley.
Jordan
Joyner,
Lynn,
Murphy, J. M.
McCreigh.
Maultsby.

Messrs.

Nunn.
Pindall.
Reid.
Sauter.
Shingley.
Shipp, Paul.
Speas,
Stephenson,
Strong.
Sumpter.
Stewart.
Turner,
Thorne,
Thomason.
Tillman.
Thompson
Warwick.
Walker,
Williams.
Wright.
The Speaker

So the House refused to take a recon.

A message from his Excellency the Governor by Mr. McNamara his private secretary, who, by permission, entered and the chair, as follows;-

Executive Office.
Little Rock, Ark. April 23, 1873.
To the House of Representatives of Arkansas.
Gentlemen: I have signed and approved House Bill entitled "An act amendatory of and supplemental to an act entitled an act to provide for clerks of circuit courts in certain counties and define their duties" which is herewith returned.

Elisha Baxter.
Governor of Arkansas.

The question being on the motion that the report of the committee be adopted.

After debate,

Mr. O. S. Hankins at 5 o'clock and 20 minutes P. M. moved that the House take a recess until 7 o'clock P. M.

Mr. Reid moved that the House adjourn.

Which was not agreed to.

The question recurring on the motion that the House take a recess.

It was agreed to.

And thereupon,

The House at 5 o'clock and 21 minutes P. M. took a recess until 7 o'clock and 8 0 minutes, P. M.

After the Recess.

The House met at 7 o'clock and 30 minutes P. M.

The roll being called it appeared that the following named members were present and answered to their names, viz:

Messrs. Beardsley, Neal Burrow, Brideuthal, Chapline, Cleveland, Cate, Davie, Eagle, Fox, Gist, A. M. Hankins, O. S. Hankins, Mason Hankins, Harris, Haynes, Hanley, Joslyn, J. H. Johnson, Jeppson, Kingston, Kent, Lee, Latta, McLeod, McGehee, Merritt, Millen, Mitchell, Nunn, Pridall, Reid, Robinson, Sharpand, Spears, Stephenson, Story, Sumpter, Stewart, Thornton, Trimmier, Thornburg, White, Walker, The Speaker.

Mr. Pridall at 7 o'clock and 32 min

utes. O. H. moved that the House adjourn.

The question being put.

It was announced in the negative.—

Yeas 31, nays 29.

The yeas and nays being demanded by the Speaker.

Those who voted in the affirmative are:—

Messrs.

Bridenthal
Chandler.
Crowley.
Cate.
Cunningham
Ervin.
Eagle.
First.
Gilbreath,
Gravett,
Haynes,
Harley.
Kinghorn,
Lynn,
Latta
Marshall.

Messrs.

Matheny,
Mitchell,
Preston,
Pindall,
Reid,
Shepherson
Simpkins,
Stewart,
Thomas
Thurman.
Tillar.
White
Walker,
Wright,
The Speaker.

Those who voted in the negative are:—

Messrs.

Byrne. Neal
Chapline,
Cleveland,
Cox,
Dare,
Fox.
Hankins. A. M.
Hankins. O. S.
Hankins, Homer
Harris,
Jorlyn,
Johnson, J. H.
Joyner,
Kent,
Lee,

Messrs.

McLeod,
McGehee
Merritt.
Miller.
Nunn.
Robinson,
Sayer,
Shipley,
Shuckhard.
Speers.
Stephenson.
Sunny.
Warwick.
Williams.

So the House did not adjourn.

Mr. McLeod moved that the House proceed to consider the bill of the Senate (S.52) entitled An act to provide against the evils resulting from the sale of intoxicating liquors in the state of Arkansas.

Pending which,

On motion of Mr. Kingston

The House at 7 o'clock and 43 minutes P.M. adjourned.

Approved

Chas Mitchell by Speaker.

Attest

Humphreys Clerk.

Thursday, April 24. 1873.

The roll being called it appeared that the following named members were present and answered to their names, viz:-

Messrs. C. E. Berry, J. H. Berry, Beardsley, Neal Brown, Chas. F. Brown, Bridenthal, Chaplin, Corbell, Cabeniss, Cox, Chandler, Crowley, Cate, Cunningham, Davis, Ennis, Fox, Frisbach, Foster, Gist, Gilbreath, Gorrell, Gaines, A. H. Hankins, O. S. Hankins, Hamm, Hankins, Harris, Hynds, Harley, Adam Johnson, J. H. Johnson, Joyner, Kirby Smith, Kent, Lee, Lynn, J. H. Murphy, Wm. Murphy, McLeod, Marshall, McGehee, Merritt, Millen, McKnight, Matheny, Mitchell, Nunn, Page, Purton, Pindall, Parnish, Reid, Robertson, Robinson, Sadler, Shingley, Sharpard, Speer, Stephenson, Shepperson, Stamy, Sweeptzer, Stewart, Thomas, Thomason, Tillar, Thornbury, Warwick, White, Walker, Williams, Wright the Speaker.

Prayer by the Rev. W. H. Gillam.

On motion of Mr. Page.

The reading of the journal was dispensed with.

On motion of Mr. Kent

The House proceeded to consider the bill of the Senate (S. 195) entitled An act to provide for the payment of the current expenses of the state of Arkansas for

two years, commencing on the 1st day of July 1873, and ending on the 30th day of June 1875, and for balances due from the estate.

Which was read a first time.

Mr. Kent moved that the rules be suspended and that the bill be read a second time.

No objection being offered.

The Speaker decided that the rules were suspended.

Objection being then offered.

Mr. J. H. Berry appealed from the decision of the chair.

The question being put, Shall the decision of the chair be sustained?

It was decided in the negative,— years 36; nays 38,

The yeas and nays being demanded by the Speaker,

Those who voted in the affirmation are:-

Messrs.	Messrs.
Berry, C. E.	Kelly.
Bradley.	Lee.
Burnett, Chas. F.	Murphy, J. M.
Chaplin.	McLeod.
Corbell.	Nunn.
Cleveland.	Page.
Cox,	Rawlins.
Copeland.	Robinson.
Davis.	Sayler.
Fox.	Shrigley.
Fairbush.	Shepherd.
Grissom.	Speare.
Hawkins, A. M.	Stephenson.
Hawkins, Monroe	Sting.
Jordyn.	Stewart.
Johnson, Adams	Turner.
Johnson, J. H.	Warwick.
Kingston.	Williams.

Those who voted in the negative are:-

Messrs.	Messrs.
Berry, J. H.	Murphy, Wm.
Brown, Neal	McGehee.

Messrs.

Bridenthal,
Chandler,
Chapman,
Crowley,
Cate,
Cunningham,
Ervin,
Eagle,
Gist,
Gilbreath,
Garrett,
Harris,
Hynds,
Harley,
Joyner,
Lynn,
Latta,

Messrs.

Merritt,
McVeigh,
Mayhew,
Mitchell,
Preston,
Pindall,
Reid,
Robertson,
Shipperson,
Singleton,
Thigpen,
Thurman,
Tillar,
Thornburg,
White,
Walker,
Wright,

So the decision of the chairman was sustained,

The question being again on the motion that the rules be suspended, and that the bill be read a second time,

And—

The question being put,

It was decided in the negative,—yeas 45, nays 30,

The yeas and nays being demanded by the Speaker,

Those who voted in the affirmation are:

Messrs.

Berry, G. E.
Beckerdite,
Bunn, Fred
Bunn, Chas. F.
Chaplin,
Corbett,
Cleveland,
Cook,
Copeland,
Davis,
Fox,

Messrs.

Lee,
Murphy, J. M.
Murphy, Wm.
McLeod,
Marshall,
Miller,
Nunn,
Page,
Rankins,
Robinson,
Sauber,

Messrs.

Frutchey
Grissom.
Hankins. A. M.
Hankins. O. S.
Hankins. Mann.
Harris.
Jordyn.
Johnson. Adam
Johnson. J. M.
Kingston,
Kent.

Messrs.

Shipley.
Shipp and.
Speas.
Stephenson.
Shepperson.
Strong.
Stewart.
Turner,
Warwick.
White.
Williams.

There who voted in the negative are:-

Messrs.

Berry. J. M.
Bidenthal.
Chandler.
Cate,
Cunningham,
Dunn.
Eagle.
Ezell,
Gilbreath.
Reynolds,
Hardy.
Joyner,
Lynn.
Latta,
McGehee.

Messrs.

Merritt.
McVeigh.
Mowbray.
Mitchell.
Preston,
Pindall,
Reid.
Sumpter.
Thorne,
Thompson.
Tillar,
Thornbury.
Walker,
Wright,
The Speaker.

So the rules were not suspended (two-thirds of the members present not voting therefor.)

On motion of Mr. Kent,

The House proceeded to consider the bill of the House (H.R. 339) entitled An act to define the jurisdiction and regulate the course of proceedings in the courts of justices of the peace.

Which was read a third time,

And,

Under the operation of the previous question,

Ordered, That the bill be placed upon its

passage,

The question being put, Shall the bill pass?

It was decided in the affirmative — yeas 59, nays 1, not voting 22.

Those who voted in the affirmative are:—

Messrs,

Berry, L. E.
Berry, J. M.
Beardsley,
Bynum, Chas. H.
Chapline,
Cowell,
Cleveland
Cox,
Chandler,
Crowley,
Cate,
Davis,
Fox,
Fairbrush,
Foster,
Gist,
Gilbreath,
Gorsuch,
Guinn,
Hankins, Mason
Harris,
Hynds,
Harley,
Jordan,
Johnson, Adam
Johnson, J. M.
Latta,
Murphy, J. M.
Murphy, Wm.
McLeod,

Messrs,

McGehee,
Merritt,
McVeigh,
Matheny,
Mitchell,
Nunn,
Page,
Pindall,
Rankins,
Robertson,
Robinson,
Sayler,
Shirley,
Shepherd
Spears,
Stephenson,
Storey,
Sculpter
Stuart,
Turner,
Thurman,
Tilden,
Thornbury,
Tannehill,
White,
Walker,
Williams,
Wright,
The Speaker.

Voting in the negative.

Mr. Preston.

Those absent or not voting are:—

Messrs.

Byrn, Neal
Beasley,

Messrs.

Kingston,
Kent,

Messrs.

Bridenthal.
Copeland.
Chapman.
Cunningham.
Ervin.
Eagle.
Hankins. A. M.
Hankins. O. S.
Jozney.

So the bill was passed.

Mr. Robinson moved that the vote last taken be reconsidered and also moved that the motion to reconsider be laid on the table; which latter motion was agreed to.

The hour of 11 o'clock A. M. having arrived the House proceeded to consider the special order set for that hour being the consideration of the bills of the Senate (S. 93) entitled An act for the relief of H. C. DeWolf for damages sustained while on duty with the state militia.

Which was read a second time.

Under a suspension of the rules.

On motion of Mr. Furbush.

The bill was read a third time and placed upon its passage.

The question being put, Shall the bill pass?

It was decided in the affirmative, — yeas 36, nays 25, not voting 2.

Those who voted in the affirmative are:-

Messrs.

Berry. C. E.
Beardsley. —
Corbett.
Cleveland
Coit.
Copeland.
Dane.
Furbush.
Gilman.
Hankins. O. S.
Hawkins, Mann

Messrs.

Lee.
Lynn.
Marshall.
Millen.
Parish.
Reid
Shepherd,
Stone.
Wheat.

Messrs.

Murphy, Wm.
McLeod.
Marshall.
Millen,
Page,
Rawkins.
Robinson.
Sayles,
Shirley.
Speck.
Stephenson

Messrs.

Harris,
Joslyn,
Johnson, J. N.
Kingston,
Kent,
Lee,
Murphy, J. M.

Those who voted in the negative are:-

Messrs.

Sheppeard,
Sling,
Tinder,
Warwick,
White,
Williams,
The Speaker.

Messrs.

Berry, J. M.
Bohm, Reed
Brideathal,
Chandler,
Chapman,
Cunningham,
Eagle,
Fichter,
Gilbreath,
Gorrell,
Hazels,
Harley,
Lynch,

Messrs.

Matheny,
Mitchell,
Preston,
Ryndall,
Reid,
Robertson,
Sumpter,
Stewart,
Thurman,
Tilden,
Walker,
Wright,

Those absent or not voting are:-

Messrs.

Brown, Chas. P.
Beasley,
Chapline,
Crowley,
Cate,
Emmert,
Fox,
Gist,
Hankins, A. M.
Johnson, Adam
Joyner.

Messrs.

Latta,
McClelree,
Merritt,
McNeigh,
Nunn,
Parish,
Shappard,
Thorne,
Thornbury,
Wheat,

So the Bill was passed.

Under a suspension of the rules for that purpose,

On motion of Mr. Corbell,

The House proceeded to consider the bill of the House (H. R. 153) entitled An act concerning

on municipal corporations the power to collect taxes levied for municipal purposes.

Which was read a third time,

After discussion,

On motion of Mr. Copeland,

The further consideration of the bill was indefinitely postponed.

Under the rule,

The House proceeded to consider the bill of the Senate (S. 152) entitled An act prescribing the penalty for neglecting to make fences and ditches in conformity to existing laws,

Which was read a first time,

By unanimous consent,

Under a suspension of the rules,

The bill was read a second time by title,

And,

On motion of Mr. J. M. Murphy,

The rules were further suspended (two-thirds of the members present voting therefor) and the bill was read a third time and placed upon its passage,

The question being put, Shall the bill pass?

It was decided in the affirmative,— yeas 39, nays 15, not voting 28,

Those who voted in the affirmative are:-

Messrs.

Beardsley,
Bunn, Ezel
Bunn, Chas. E.
Bridenthal
Chapline,
Cleveland,
Cook,
Copeland,
Davis,
Ewing,
Firebrush,
Foster,
Gist,
Ingram,
Hawkins, All,
Kingston
Murphy, J. M.
Murphy, Wm.
Marshall,
McVeigh,
Mitchell,
Page,
Rawlins,
Reid,
Robinson,
Shipley,
Sharpland,
Storey,
Stewart,
Turner,

Messrs.
Hankins, O. S.
Hankins, Thomas.
Harris.
Johnson, Adam.
Johnson, J. H.

Messrs.
Merrick.
White.
Walker.
Williams.

Those who voted in the negative are:-

Messrs.
Berry, J. H.
Brinkley.
Cunningham.
Gilbreath.
Jarrett.
Reynolds.
Harley.
Izzlyn.

Messrs.
Lee.
Latta.
McGehee.
Mahony.
Preston.
Pindall.
Spears.

Those absent or not voting are:-

Messrs.
Berry, C. E.
Bentley.
Cornell.
Chandler.
Chapman.
Cate.
Eagle.
Fox.
Joyner.
Kent.
Lynn.
McLeod.
Merritt.
Millen.

Messrs.
Nunn.
Parish.
Robertson.
Sadler.
Stephenson.
Shepperson.
Sumpter.
Thorn.
Thurman.
Tillar.
Thornburg.
Wheat.
Wright.
The Speaker.

So the bill was passed.

Pending the vote.

Thereupon from the Senate by Mes. Orrick their secretary, was:-

Senate Chamber, April 23, 1873.

Mr. Speaker: I am instructed by the Senate to inform your honorable body of the passage by the Senate of H. Sub. for H. B. No 164) entitled An act securing liens

to mechanics, laborers, and others.

Also, Senate Bill No. 123, entitled An act amending the criminal code; and herewith respectfully transmit the same.

A further message from the Senate.

Senate Chamber, April 24, 1873.

Mr. Speaker: I am instructed by the Senate to inform your honorable body of the passage by the Senate of H. B. No. 87, entitled An act to maintain a system of free common schools for the state of Arkansas.

The vote was then announced as above.

The House proceeded to consider the bill of the Senate (S. 192) entitled An act to attach the county of Howard to the seventeenth senatorial district.

Which was read a second time

On motion of Mr. Burt.

The bill was amended by inserting after the words "seventeenth district" the words "and Nevada county shall be attached to and be a part of the eighteenth senatorial district."

Under a suspension of the rules,

On motion of Mr. Burt,

The bill was read a third time and placed upon its passage.

Under the operation of the previous question,

The question being put, Shall the bill pass?

It was decided in the affirmative, — yeas 41, nays 26, not voting 15,

Those who voted in the affirmative are

Messrs.

Berry, B. E.
Brickley,
Bunn, Saml
Bunn, Chas. F.
Chapline
Cobbell,
Copeland,
Curt,
Kent,
Lee,
McLeod,
Marshall,
Millen,
Nunn,
Page,
Rankins,

Messrs.

Messrs.

Copeland
Davis,
Dix,
Dunbar,
Gibson,
Hankins, A. M.
Hankins, O. S.
Hankins, Nunn
Harris,
Irby,
Johnson, Adam
Johnson, J. H.
Kingston.

Those who voted in the negative are:-

Messrs.

Berry, J. H.
Chandler,
Crowley,
Cunningham,
Ervin,
Eagle,
Fuller,
Gist,
Gilbreath,
Gravely,
Hagler,
Lyda,
Latta,

Robinson,
Sauter,
Shipley,
Sheppard
Spears
Stephenson,
Shepperson,
Stewart,
Turner,
White,
Williams
The Speaker,

Those absent or not voting are:-

Messrs.

Beasley,
Breedenthal,
Chapman,
Cate,
Reynolds,
Joyner,
Murphy, J. H.
Murphy, Nunn,

Mackie,
Matheny
Mitchell,
Purton,
Pindall,
Reid,
Sumpter,
Thomas,
Thomason,
Tillar,
Thornburg,
Walker,
Wright.

So the Bill was passed.

Mr. McLeod from the Committee on Enrolled Bills reported correctly enrolled

the bill of the House (H. R. 105) entitled An act to establish the lines between the counties of Montgomery and Clark

Also the bill of the House (H. R. 359) An act to extend the time for the collection of taxes in the county of Hempstead and Pope.

A message from the Senate by Mr. Orwick their secretary, viz:

Senate Chamber. April 24. 1873.

Mr. Speaker: I am instructed by the Senate to inform your honorable body of the passage by the Senate of S. B. 209 entitled An act to be entitled an act supplementary to an act to establish the county of Lee. and herewith respectfully transmit the same.

On motion of Mr. McVeigh

The House proceeded to consider the bill of the Senate (S. 123) entitled An act amending the Code and change of venue in criminal cases.

Which was read a second time

Under a suspension of the rules.

The bill was read a third time and placed upon its passage.

The question being put, Shall the bill pass?

It was decided in the affirmative, — yeas 52; nays 3, not voting 27.

Those who voted in the affirmative are:

Messrs.

Berry, C. E.
Berry, J. H.
Brandsley.
Chapline
Corbell.
Coit.
Copeland,
Chandler,
Cate,
Cunningham,
Dane,
Dix,
Faubush,
Foster.
Hart
Hill,
Hudson,
Hutchinson,
Jones,
Kyle,
Lee,
Latta,
Murphy, J. H.
Murphy, Wm.
McLeod,
Marshall,
Merritt,
Millen,
McVeigh
Robinson,
Sayler,
Shipley,
Sharpland

Messrs.
Gilbreath,
Garrett,
Grissom,
Hankins, A. M.
Hankins, O. S.
Hankins, Memmo.
Harris,
Harley,
Jolly,
Johnson, J. M.
Joyner,
Knowlton,

Those who voted in the negative are;-

Messrs.
Brown, Neal
Ennis,

Those absent or not voting are;-

Messrs.
Brown, Chas. F.
Beasley,
Blackwelder,
Chapman,
Crumley,
Eagles,
Gant,
Reynolds,
Johnson, Adam
Lynn,
McAlpine,
Matheny,
Mitchell

Messrs.
Spears,
Stephenson,
Shepherson,
Strong,
Sumpter,
Stewart,
Turner,
Thornburg,
White,
Walker,
Williams,
Wright,,

Messrs.
Reid,

Messrs.
Ayers,
Paye,
Preston,
Pindall,
Parrish,
Rawlins,
Robertson,
Thomas,
Thigpen,
Tillman,
Warwick,
Wheat,
The Speaker.

The House proceeded to consider the bill of the Senate (S. 35) entitled An act regulating the practice of medecine and surgery in this state.

Which was read a first time.

Mr. Fox moved that the rules be suspended and that the bill be read a second time.

Which was not agreed to (two - thirds

of the number present not voting therefor).

The House proceeded to consider the bill of the Senate (S. 103) entitled An act concerning incorporated bridge companies.

Which was read a third time and placed upon its passage.

Mr. Chapline moved that the bill lie on the table.

Mr. Reid asked for the yeas and nays.

The question being put.

It was decided in the negative.— yeas 27, nays 40.

The yeas and nays being demanded by five members.

Those who voted in the affirmative are:

Messrs.

Beardsley,
Bothell,
Bott,
Copeland,
Crumley,
Cunningham,
Davis,
Ennis,
Eagle,
Ford,
Gilbreath,
Hazlett,
Harrison,
Hawkins, Thomas

Messrs.

Lee,
Mayhew,
Mahaney,
Mitchell,
Nunn,
Page,
Reid,
Robinson,
Sheppard,
Spears,
Stephenson,
Thompson

Those who voted in the negative are:

Messrs.

Berry, C. E.,
Berry, J. A.,
Bynum, Paul
Bynum, Chas. E.
Chapline,
Cleveland,
Cole,
Dent,
Forter,
Hawkins, A. M.,

Messrs.

Marshall,
Miller,
Peyton,
Pindall,
Rankins,
Snyder,
Shipley,
Shepherson,
Sperry,
Sundpler

Messrs.

Hankins, O. S.
Harris,
Johnson, Adam
Johnson, J. H.
Joyner,
Kincaid,
Kent,
Lynn,
Memphy, J. H.
Memphy, Thos.

Messrs.

Stewart,
Turner,
Thomas,
Tillman,
Thornburg,
Warwick,
White,
Walker,
Williams,
Wright,

So the House refused to lay the bill on the table.

The question being on the passage of the bill,

Mr. Neal Brown moved the previous question, which was seconded, and the main question ordered, viz: Shall the bill pass?

The question being put,

It was decided in the affirmative, — yeas 44, nays 18, not voting 20.

Those who voted in the affirmative are:-

Messrs.

Berry, B. E.
Brandley,
Brown, Neal
Chapline,
Corbell,
Cox,
Copeland
Dare,
Ervin,
Fox,
Foster,
Gilbreath,
Hankins, A. H.
Hankins, O. S.
Harris,
Jordan,
Johnson, Adam
Johnson, J. H.
Kingston,

Messrs.

Marshall,
McAfee,
Merritt,
McVeigh,
Nunn,
Page,
Purtle,
Rankin,
Reid,
Robinson,
Sayles,
Shrigley,
Shuford,
Stephenson,
Stephenson,
Story,
Sumner,
Thornburg,
Warwick.

Messrs.
Lynn,
Murphy, J. M.
Murphy, Thos.
Those who voted in the negative are:-
Messrs.
Berry, J. H.
Bynum, Chas. F.
Cleveland.
Crowley,
Cunningham,
Gist.
Gyrtt.
Grimm.
Hankins. Mann.
Those absent or not voting are:-
Messrs.
Beasley.
Bridenthal.
Chandler,
Chapman.
Cole.
Coyle,
Durham
Harley.
Kent.
Latta.
Messrs.
Harris.
White.
Williams.
Wright.
Messrs.
Haynes.
Joyner.
Lee.
Matheny.
Mitchell
Pindall.
Spears.
Sumpter.
Walker.
Messrs.
McLeod,
Millen.
Parish.
Robertson.
Stewart.
Thorne.
Thomas.
Tillar.
Wheat.
The Speaker,
So the bill was passed.
Mr. Paul Byrne moved that the vote last taken be reconsidered and also moved that the motion to reconsider be laid on the table: which latter motion was agreed to.
Mr. J. M. Murphy from the Committee on Insurance to which was referred the bill of the House (H. R. 312) entitled An act to establish an insurance bureau reported the same and recommended its passage.
Mr. Fox moved that the bill and report lie on the table.
Which was not agreed to.

Pending the consideration of the bill.

A message from his Excellency the Governor by Mr. McLaurany his private secretary, who by unanimous consent read the same as follows:-

Executive Office,
Little Rock, Ark., April 24, 1873.

To the House of Representatives of Arkansas.

Gentlemen:- I have signed and approved House Bill entitled "An act to extend the time for the collection of taxes in the counties of Hempstead and Pike"; also House bill entitled "An act to establish the boundary lines between the counties of Montgomery and Clark;" House Bill entitled "An act for the relief of the sureties of H. B. Williams late sheriff and collector of Hempstead county, having remained in my hands more than three days with the execution is hereby returned,

Elisha Baxter,
Governor of Arkansas.

The House having under consideration the bill of the House (H. R. 312) entitled An act to establish an insurance bureau.

Mr. Sumpter moved that the bill be amended by striking out the word "Auditor" wherever it occurs in the bill and inserting in lieu thereof the word "Governor".

Mr. J. M. Murphy moved that the motion to amend be rejected.

Mr. Sumpter asked for the year and nays.

The question being put,

It was decided in the affirmative, — year 35, nays 30.

The year and nays being desired by five members,

Those who voted in the affirmative are:-

Messrs.

Berry, C. E.
Beardsley,
Brunn, Paul,
Bridenthal,
Chaplin,

Messrs.

Murphy, J. M.
Murphy, Wm.
McLeod,
Marshall,
Mullen,

Messrs.

Copeland,
Chapman,
Dane,
Emery,
Grimm
Hankins, A. M.
Hankins, O. S.
Hankins, Warren
Irelyn,
Johnson, Adam
Johnson, J. M.
Kingston,
Kent,

Those who voted in the negative are:-

Messrs.

Berry, J. M.
Chandler,
Crowley,
Cunningham,
Eagle,
Gott,
Gilmath,
Hynds,
Harley,
Snyder,
Lynn,
Latta,
McGehee,
Merritt,
McVeigh,

Messrs.

Nunn,
Page,
Rawlins,
Robinson,
Sartin,
Shrigley,
Sproals,
Stephenson,
Shepherson,
Story
Tinder,
Warwick,

So the motion was rejected.

By unanimous consent,

The bill was then read a third time and placed upon its passage.

Mr. Turner moved the previous question which was seconded, and the main question ordered, viz: Shall the bill pass?

The question being put,

It was decided in the affirmative, - yeas 39, nays 25, not voting 18.

Those who voted in the affirmative are:-

Messrs.

Anthony,
Mitchell,
Preston,
Randall,
Reid,
Robertson,
Sumpter,
Stewart,
Thorne,
Thomason,
Tillar,
Thornburg,
Walker,
Williams,
Wright,

Messrs.

Berry, b. E.
Beardsley,
Brown, Fred.
Brown, Chas. F.
Chapline,
Corbell,
Cleveland,
Covil,
Copeland
Chapman,
Davis,
Firebush,
Gist,
Grimm,
Hankins, A. M.
Hankins, O. S.
Hankins, Mamie
Harris,
Jarlyn,
Johnson, Adam
Johnson, J. H.
Kingston,
Keyt,
Lee,

Those who voted in the negative are:-

Messrs.

Berry, J. M.
Biddenthal
Chandler,
Crumley,
Emmil,
Eagle,
Fichter,
Gilbraith,
Garrett
Hoyuls,
Harley,
Snyder,
Lynn,

Messrs.

Murphy, J. M.
Murphy, Jno.
McCord,
Marshall,
McAllen,
Rawlins,
Robinson,
Sailer,
Shrigley,
Speaks,
Stephenson,
Stump,
Snider,
Wamick,
Wright,

Messrs.

Latta,
Matheny,
Preston,
Pindall,
Reid,
Shepherson
Sumpter,
Thomas,
Thomason,
Tillar,
Thornburg,
Walker,

Those absent or not voting are;

Messrs.

Beasley,
Cate,
Cunningham,
Fox,
Hochstetter,
Merritt,
McKenzie,
Mitchell,
Pryor,

Messrs.

Page,
Parish,
Robertson,
Sharpard,
Stewart,
White,
Wheat,
Williams,
The Speaker.

So the bill was passed.

Mr. Turner moved that the vote just taken be reconsidered and also moved that the motion to reconsider be laid on the table; which latter motion was agreed to.

On motion of Mr. Copeland,

The House proceeded to consider the bill of the Senate (S. 184) entitled An act in relation to the forfeited land in certain counties in the state of Arkansas.

Which was read a first time.

Mr J. H. Johnson moved that the rules be suspended and that the bill be read a second time.

Mr. Pindall asked for the yeas and nays.

The question being put,

It was decided in the affirmative.—

yeas 46. nays 24.

The yeas and nays being demanded by five members.

Those who voted in the affirmative are:—

Messrs.

Berry, G. E.
Beardsley,
Byrum, Neal
Burdenthal,
Chapline,
Coit,
Copeland,
Chandler,
Chapman,
Cox,

Messrs.

Memphy, J. H.
Memphy, Wm.
Pattat,
McLeod,
Marshall,
McGehee,
Millen,
Nunn,
Page,
Rankins.

Messrs.

Dunbar,
Grissim,
Hankins, A. M.
Hankins, O. S.
Hankins, Thos.
Hays,
Healy,
Ingle,
Johnson, Adam
Johnson, J. H.
Joyner,
Kingston,
Kuth,

Messrs.

Robinson,
Salter,
Shipley,
Speed,
Stephenson,
Shepperson,
Strong,
Turner,
Thornsbury,
Trammell,
White,
Wilkins,
Wright,

Those who voted in the negative are—

Messrs.

Berry, J. H.
Bunn, Chas. F.
Cobell,
Cleveland,
Cromby,
Cate,
Cunningham,
Ennis,
Eagle,
Foster,
Gilbreath,
Ingrem,

Messrs.

Lee,
Lynn,
Merritt,
McCreigh,
McKamy,
Mitchell,
Preston,
Pindall,
Stewart,
Thomason,
Tillar,
Walker,

So the rules were suspended (two-thirds of the members present voting therefor) and the bill was accordingly read a second time,

Mr. Preston moved that the bill be amended by striking out section 6 and inserting in lieu thereof the following section, viz:—

Section 6. That all such lands as are enumerated and included in section one of the act and being situated and lying in the counties of Arkansas and Lincoln for the said counties now exist be and the same are hereby retired from public and private sale and are hereby awarded to the Memphis and Shreve

port railroad company for the uses and purpo-
ses and upon the conditions therein provided.
Provided, that said Memphis and Shreveport
railroad company shall build their railroad
across White River into the county of Arkansas
as said county now exists and provided fur-
ther that the said Memphis and Shreveport
railroad company shall build their railroad
over and across Arkansas river into the
county of Lincoln as said county of Lin-
coln now exists.

Under the operation of the previous
question,

On motion of Mr. Robinson,

Ordered. That the amendment be re-
jected.

Then,

On motion of Mr. J. M. Johnson,

Ordered. That the bill lie on the table
and be made special order for a third read-
ing for 10 o'clock and 30 minutes A. M. on
the morrow.

A message from the Senate by Mr On-
sick their Secretary, viz:

Senate Chamber, April 24, 1873.

Mr. Speaker: I am instructed by the
Senate to inform your honorable body of the
concurrence by the Senate in amendment
to S. B. 192 entitled A bill to be entitled An act
to attach the county of Howard to the seventeenth
senatorial district,

Also. S. B. No. 201 entitled An act to
change the boundary lines of Desha coun-
ty and for other purposes.

Also. Sub for H. Bills No. 1460 entitled
An act to regulate the fees of officers therein
named and for other purposes with a-
mendments.

Also. (H. B. No 349) entitled A bill
to be entitled An act supplementary
to an act to divide the state into 16
judicial circuits to confer original ju-

his diction in all matters of probate and administration upon the circuit courts and to fix the time for holding the courts with the accompanying amendments, and herewith respectfully returns the same.

The House proceeded to consider the bill of the Senate (S. 100) entitled An act for the cancellation of county scrip.

Which was read a first time.

The question being put, Shall the rules be suspended and the bill read a second time?

It was decided in the affirmative (two thirds of the members present voting therefor).

Mr. Purtush moved that the House proceed to consider the bill of the Senate (S. 209) entitled An act supplementary to an act to establish the county of Lee.

Mr. Pindall asked for the year and nays.

The question being put,

It was decided in the affirmative, — year 34 nays 24,

The year and nays being desired by five members,

Those who voted in the affirmative are:-

Messrs.

Beardsley,
Bunn, Paul
Bunn, Chas. D.
Chaplin,
Cottell,
Cort,
Copeland,
Dare,
Fairbrother,
Hankins, A. M.
Hankins, O. S.
Hankins, Warren
Harris,
Joslyn,
Johnson, Adam
Johnson, J. M.
McGehee,
McKnett,
Miller,
Munn,
Paye,
Pindall,
Rankins,
Rifenburg,
Sabey,
Shipley,
Shilpaul,
Spears,
Stephenson,
Shepperson
Stroop,
Trundle.

Messrs. Kent, Murphy, J. M., Murphy, Wm., Marshall, Shue who voted in the negative are:

Messrs. Fillan, Warnick, White.

Messrs. Berry, J. H., Biddenthal, Conroy, Cunningham, Ennis, Eagle, Fox, Gorell, Gibson, Haynes, Harley, Lee,

Messrs. Mahoney, Mitchell, Pierce, Reid, Robertson, Sumpter, Stewart, Thomas, Thornburg, Walker, Williams, Wright.

So the motion was agreed to.

Before the bill was read.

Mr. Furbush asked and obtained leave of the House to withdraw the bill for consideration until some future time.

Mr. Furbush, at 1 o'clock P. M., moved that the House take a recess until 3 o'clock, P. M.

Which was not agreed to.

A message from the Senate by Mr. Orrick their secretary, viz:-

Senate Chamber, April 24, 1873.

Mr. Speaker: I am instructed by the Senate to inform your honorable body of the passage by the Senate of H. B. No. 366 entitled A bill to be entitled An act regulating the payment of costs and allowances by counties in certain cases.

Also, substitute for H. B. No. 283 entitled An act to provide for the copying and preservation of the mutilated records in the Auditor's office and for the copying mutilated records and the comparing, clerkifying and correcting other records in the offices of the Secre-

missioner of Immigration and State Lands, in this state", with accompanying amendments, and herewith respectfully returns the same.

Mr. Fox, from the Committee on the Judiciary to whom was referred the bill of the House (H. R. 358) entitled An act supplemental to an act entitled an act to incorporate the Little Rock and Fort Smith Railroad Company, approved January 22, 1855, reported the same and recommended a substitute therefor.

Pending the consideration of the report of the committee,

On motion of Mr. Warwick,

The House at 2 o'clock and 7 minutes P. M. took a recess until 3 o'clock P. M.

After the Recess

The House met at 3 o'clock P. M.

The roll being called it appeared that the following named members were present and answered to their names, viz:

Messrs. C. E. Berry, J. H. Berry, Beardsley, Neal Burns, Chas. F. Burns, Brickenthal, Chaplin, Corbell, Cleveland, Cox, Copeland, Chandler, Chapman, Cunningham, Dane, Ennis, Eagle, Fox, Foster, Gist, Gilbreath, Garrett, Grissom, A. M. Hankins, O. S. Hankins, Mann Hanson, Harris, Hynds, Harley, Adam, Johnson, J. M. Johnson, Joyner, Kingston, Kent, Lee, Lynn, Latta, J. M. Murphy, Wm. Murphy, McLeod Marshall, McGehee, Merritt, Millen, McHaigh, Matheny, Mitchell, Nunn, Page, Preston, Pindall, Parish, Rawlins, Reid, Robertson, Robinson, Sarber, Shipley, Shuppard, Sheas, Stephenson, Sheppeson, Story, Simpson, Stewart, Turner, Thurman, Thomason, Tillar, Thornbury, Warwick, White, Walker, Williams, Wright, The Speaker.

Mr. Page, from the Committee on Claims to whom was referred the bills of the House (H. R. 71) entitled An act to provide for the payment of judgments against the State, and (H. R. 155)

entitled. An act for the relief of certain citizens of Ashley county, reported the same and recommended a substitute therefor entitled An act supplemental to an act entitled An act to provide for the payment of property purchased or taken for the use of the militia forces of the state of Arkansas while in actual service in the year 1868 and 1869 under the proclamation and orders of the Governor, and to provide for the payment of militia forces for services actually rendered approved March 28, 1871.

Mr. Sumpter from the same committee submitted the following minority report thereon, viz:-

Mr. Speaker: Home committee on claims having had under consideration substitute for House Bills No. 155 and No. 71, entitled An act supplemental to an act entitled An act to provide for the payment of property purchased or taken for the use of the militia forces of the state of Arkansas, while in active service in the years 1868. 1869 etc. the undersigned dissenting from the majority report recommending the passage of said bill, beg leave to submit the following minority report.

First- That not sufficient testimony has been submitted to the committee upon which to predicate either the justness or legality of the large amount of claims therein allowed.

Second- That the only grounds upon which the majority allege the justness or legality of said claims, consist in the report of the late Commissioner Mallory, who is an interested witness and whose notorious anxiety for the passage of said bill raises a fair presumption of interested motives.

Third- That a large proportion, if not all of the large number of claims allowed by said Commissioner Mallory, and upon which this bill is predicated, were audited and allowed by said Mal-

lary, after the expiration of his term of office, and therefore have not the sanction of law or authority.

The minority believe that a large number of said claims are unjust, unlawful and fraudulent; that the appropriation sought to be made covers a large amount of money, which the treasury is not in a condition to afford except upon considerations of the highest public necessity.

The minority regret exceedingly that the shortness of time and pressure of business prevent a fuller exposition of the enormous and outrageous character of this bill, and the objects and schemes of the little ring who are engineering it; but hope that sufficient has been enunciated to induce every member of this House who has the interest of the state and of the people at heart to vote against it on the single ground, if no other, that it proposes to make a large appropriation for objects which have not and cannot be satisfactorily explained to the House.

The minority therefore recommend the rejection of the bill.

Respectfully submitted,

John. J. Sumpter.

Wm. Thomas Gray.

Mr. Cortell moved that the majority report be adopted.

Mr Sumpter moved as a substitute that the minority report be adopted.

Mr. Cofel had moved the previous question, which was seconded, viz; Shall the minority report be adopted?

Mr Sumpter asked for the yeas and nays.

The question being put.

It was decided in the negative. yeas 36. nays 40.

The yeas and nays being demanded by five members.

Those who voted in the affirmative are;—

Messrs.

Berry, J. M.
Brown, Neal
Bridenthal,
Chandler,
Chapman,
Conway,
Cate,
Cunningham,
Ennis,
Eagle,
Fox,
Foster,
Gist,
Gilbreath,
Gossett,
Hynds,
Hanby,
Joyner,

Messrs.

Lyons,
Latta,
McGehee,
Merritt,
McKeigh,
Matheny,
Mitchell,
Preston,
Pindall,
Shepperson,
Scruggs,
Stewart,
Thynne,
Thomas,
Tilman,
Threadgill,
Walker,
Wright,

Those who voted in the negative are:-

Messrs,

Berry, C. E.
Beardsley,
Brown, Chas. F.
Chapline,
Cottell,
Cleveland,
Cort,
Copeland,
Davis,
Eyrhart,
Ennis,
Hankins, A. M.
Hankins, O. S.
Hankins, Turner
Hans,
Joslyn,
Johnson, Adam
Johnson, J. H.
Kinyeton,
Kent,

Messrs,

Lee,
Murphy, J. M.
Murphy, Jno.
McLeod,
Marshall,
Millen,
Nunn,
Page,
Rankins,
Reid,
Robertson,
Robinson,
Sayler,
Shipley,
Speaks,
Stephenson,
Terry,
Tucker,
White,
The Speaker,

So the House refused to adopt the minori-

ty report.

The question recurring on the motion that the majority report be adopted.

Pending the consideration of the motion.

A message from the Senate by Mr. Quick their secretary, viz:-

Senate Chamber, April 24, 1873.

Mr. Speaker: I am instructed by the Senate to inform your honorable body of the passage by the the Senate of Sub. to H. Bills Nos. 29, 41, 48 and others entitled A bill for an act to be entitled An act regulating the assessment and collection of revenue.

Also, H. Bill No 83 entitled A bill to be entitled An act to provide for protecting keepers of livery, sale, and feed stables and wagon yards, and herewith respectfully return the same.

The question being on the adoption of the majority report.

After discussion,

Mr. Cunningham asked for the year and nays.

The question being put,

It was decided in the affirmative, yeas 38, nays 37,

The yeas and nays being derived by the members,

Those who voted in the affirmative are:-

Messrs.	Messrs.
Berry, C. E.	Kent.
Beardsley,	Lee,
Bynum, Chas. F.	Murphy, J. M.
Chapline,	McLeod,
Cobell,	Marshall,
Cleveland,	Miller,
Crit,	Nunn,
Copeland,	Page,
Dare,	Rankins,
Fairbank,	Reid,
Guinn,	Robinson,
Hunkins, A. M,	Sarber,

Messrs.

Hankins. O.S.
Hankins. Mann.
Harris.
Irby.
Johnson. Adam
Johnson. J. H.
Kingsbery.

Messrs.

Shipley.
Speed.
Stephenson.
Sturm.
Turner.
The Speaker.
Murphy. Chm.

And who voted in the negative:-

Messrs.

Berry. J. H.
Bohn. Neal
Brideithal.
Chandler.
Chapman.
Crosby.
Cate.
Cunningham.
Curtis.
Eagle.
Fox.
Foster.
Gist.
Gilbreath.
Jarrett.
Haynes.
Harley.
Hopper.
Lynn.

Messrs.

Latta.
McGehee.
Merritt.
McVeigh.
Matheny.
Mitchell.
Preston.
Pindall.
Shepperson.
Sumpter.
Stewart.
Thorn.
Thurman.
Tillar.
Thornberry.
White.
Walker.
Wright.

So the majority report was adopted and the substitute was accordingly adopted in lieu of the original bill.

On motion of Mr. J. H. Johnson.

The substitute bill was read a third time and placed upon its passage.

Mr. Cobell moved the previous question, which was seconded and the main question ordered, viz: Shall the bill pass?

The question being put.

It was decided in the negative, —— yeas 37, nays 39, not voting 6.

Those who voted in the affirmative are:-

Messrs.

Berry, C. E.
Beardsley,
Bynum, Chas. D.
Chapline,
Cobell,
Cox,
Copeland,
Dare,
Faribank,
Hankins, A. M.
Hankins, O. S.
Hankins, Turner
Harris,
Irby,
Johnson, Adam
Johnson, J. H.
Knight,
Kent,
Lee,

Those who voted in the negative are:-

Messrs.

Berry, J. H.
Bynum, Sept.
Brodenthal,
Chandler,
Chapman,
Crosby,
Cate,
Cunningham.
Ewin,
Eagle,
Fox,
Foster,
Gist,
Gilbreath,
Gorrell,
Gwinn,
Reynolds,
Hardy,
Snyder,
Lynn,

Messrs.

Murphy, J. H.
Murphy, Chas.
McLeod,
Marshall,
Millen,
Nunn,
Page,
Rawlins,
Robinson,
Sarles,
Shingley,
Shipman,
Speas,
Stephenson,
Sturgis,
Turner,
Warnick,
The Speaker.

Messrs.

Latta,
McAshee,
McSwain,
Matheny,
Mitchell,
Overton,
Randall,
Reid,
Shepherd,
Sumpter,
Sykes,
Symes,
Summers,
Tillar,
Thornberry,
White,
Walker,
Williams,
Wright,

Messrs.
Beasley.
Clendaniel.
Merritt.
So the bill was not passed.

Messrs.
Parrish,
Robertson,
Wheat,

Pending the vote
Mr. White (when his name was called) sent to the clerk's desk the following explanation of his vote, to which was attached the name of Mr. Grissom, viz:—

Mr. Speaker: In explanation of our votes, respectively, against the passage of the bill for allowance of militia claims amounting as nearly as we can learn to but a trifle less than two hundred thousand dollars, we desire to say that while we are willing and indeed anxious that all just claims of this character should be fully paid, we have grave doubts as to the propriety or justice of allowing all the claims embraced in this bill, and would like to know in what manner the large amount of money appropriated at the last session of the general assembly for the payment of these claims has been expended? We would also like to be further informed as to the necessity which may have existed for deferring this bill to so late a time of the session, and the bringing in of the same under the previous question, thus cutting off all debate upon it.

The vote was then announced as above.

A message from the Senate by Mr. Orrick their secretary, viz:—

Senate Chamber, April 24, 1873.

Mr. Speaker: I am instructed by the Senate to inform your honorable body of the passage by the Senate of S. B. No. 210 entitled An act supplementary to an act to redistrict the state for congressional

al purposes.

Also, H. B. No. 311, entitled A bill to be entitled An act to regulate licenses and provide against evils resulting from the sale of intoxicating liquors in Washington county Arkansas.

Also, H. B. No. 312 entitled A bill to be entitled An act to establish an insurance bureau.

Also, H. B. No 349 entitled An act to be entitled an act to define the jurisdiction and regulate the course of proceedings in the courts of justices of the peace in civil actions and hereafter respectfully transmit the same

Hon. Hollen moved that the clerk be instructed to have the hall of the House well lighted by 7 o'clock P.M.

Mr. Copeland moved the previous question which was seconded and under the operation thereof the motion was agreed to

Mr. Reid asked for the year and nays.

The main question being put.

It was decided in the affirmative.—year 43, nays 27.

The year and nays being desired by five members.

Those who voted in the affirmative are:

Messrs.

Berry, C. E.	Murphy, Jno
Beardsley,	McLeod,
Chaplin,	Marshall,
Cornell,	Mollen,
Cleveland,	Nunn,
Cort	Page,
Copeland,	Rankins,
Davis,	Robinson,
Fox,	Sayler,
Garrison,	Shrigley,
Hankins, A. M.	Speers,
Hankins, O. S.	Stephenson,
Hankins, Simon	Shepperson,
Harris,	Strong,
Reynolds,	Stewart,
Irelyn,	Turner.

Messrs.

Johnson, Adam
Johnson, J. M.
Kingston
Kelly,
Lee,
Murphy, J. M.

Messrs.

Warwick,
White,
Williams,
Wright,
The Speaker.

Those who voted in the negative are:-

Messrs.

Berry, J. M.
Bynum, Chas. F.
Bridenthal,
Chandler,
Cowley,
Cate,
Cunningham,
Erwin,
Eagle,
Foster,
Gist,
Gilbreath,
Gorrell,
Joyner,

Messrs.

Lynn,
McVeigh,
Maltsby,
Mitchell,
Peyton,
Rindall,
Reid,
Sumpter,
Thorn,
Thurman,
Tillar,
Thornbury,
Walker,

So the motion, as above, was agreed to.

By unanimous consent,

Mr. Warwick from the Committee of Ways and Means to whom was referred the bill of the House (H. R. 357) entitled An act to provide for the pay and compensation of members and officers of the General Assembly and for other purposes reported the same and recommended a substitute therefor entitled An act to provide for the payment of the current expenses of the State of Arkansas for two years commencing on the 1st day of July 1873, and ending on the 30th day of June 1875 and for balances due from the state.

Mr. Warwick moved that the report of the committee be adopted.

Mr. Miller moved the previous question which was seconded and the main question ordered, viz: Shall the report of the com-

mittee be adopted?

Mr. J. H. Berry asked for the yeas and nays.

The question being put.

It was decided in the affirmative. — yeas 45, nays 30.

The yeas and nays being demanded by five members.

Those who voted in the affirmative are:-

Messrs.	Messrs.
Berry, C. E.	Murphy, J. M.
Bethurley,	Murphy, Wm.
Bunn, Neil	McLeod,
Bunn, Chas. F.	Marshall,
Chaplin,	Millen,
Cobell,	Munn,
Cleveland,	Page,
Cyr,	Rankin,
Copeland,	Robinson,
Dane,	Sayer,
Fox,	Sharpe,
Fyfe,	Shephard,
Gibson,	Spears,
Hankins, A. M.	Stephenson,
Hankins, O. S.	Shepherson,
Hankins, Thomas	Story,
Hays,	Stewart,
Irvine,	Turner,
Johnson, Adam	Warwick,
Johnson, J. M.	White,
Kingston,	Williams,
Keyte,	The Speaker.
Lee.	

Those who voted in the negative are:-

Messrs.	Messrs.
Berry, J. H.	Lyon,
Birdsall,	McGregor,
Chandler,	Merritt,
Chapman,	McVeigh,
Conroy,	Matheny,
Cate,	Mitchell,
Cunningham	Preston,
Ennis,	Pindall.

Messrs.

Eagle,
Ezell,
Gilbreath,
Gossett,
Haynes,
Hawley,
Snyder,

Messrs.

Reid,
Thynn,
Thynnam,
Tillar,
Thornburg,
Walker,
Wright.

So the report was adopted and the substitute was accordingly adopted in lieu of the original bill.

And,

Under the operation of the previous question On motion of Mr. Warwick,

The substitute bill was read a third time and placed upon its passage

The question being put, Shall the bill pass?

It was decided in the affirmative,— yeas 45, nays 30, not voting 7.

Those who voted in the affirmative are:-

Messrs.

Berry, C. E.
Bedenbaugh,
Bunn, Neal
Bunn, Thos. F.
Chapline,
Cobell,
Cleveland,
Cox,
Copeland,
Davis,
Fox
Frierson,
Gibson,
Hankins, A. M.
Hankins, O. S.
Hankins, Mann
Harris,
Jordan,
Johnson, Adam
Johnson, J. H.
Kingston,

Messrs.

Murphy, J. M.
Murphy, Wm.
McLeod,
Marshall,
Millen,
Nunn
Page,
Rawlins,
Robinson,
Sapper,
Shipley,
Shapard,
Spears,
Stephenson
Shepperson,
Strong,
Stewart,
Tanner
Warwick,
White,
Williams,

Messrs.

Kent,
Lee.

Messrs.

The Speaker,

There who voted in the negation are:-

Messrs.

Berry, J. H.
Bidenthal,
Chandler,
Chapman,
Crowley,
Cate,
Cunningham,
Evans,
Eagle,
Fist,
Gilbreath,
Garrett,
Haynes,
Hadley,
Hayden,

Messrs.

Lynn,
Latta,
McClellan,
Merritt,
McKnight,
Matheny,
Mitchell,
Preston,
Pindall,
Reid,
Symms,
Shumaker,
Tillar,
Thurman,
Wright,

There absent or not voting are:-

Messrs.

Beasley,
Finch,
Parish,
Robertson,

Messrs.

Sumpter,
Wheat,
Walker,

So the bill was passed,

Mr. Warwick moved that the vote last taken be reconsidered and also moved that the motion to reconsider be laid on the table which latter motion was agreed to.

On motion of Mr. Chapline.

The House proceeded to consider the bill of the Senate (S.188) entitled. An act defining the duties of the county clerk of Pulaski county, which was read a second time, Pending the consideration of the bill,

On motion of Mr Copeland.

The House at 5 o'clock and 10 minutes P.M. took a recess until 7 o'clock and 30 minutes P.M.

After the Recess.

The House met at 7 o'clock and 30 minutes P.M.

The roll being called it appeared that the following named members were present and answered to their names, viz:-

Messrs. C. E. Berry. Beardsley. Neal Brown. Chas F. Brown. Brickenthal. Chapline. Corbell. Cleveland. Cott. Copeland. Chandler. Chapman. Crumley. Davis. Erwin. Eagle. Fox. Fairbrush. Foster. A.M. Hawkins. O.S. Hawkins. Monroe Hawkins. Harris. Hynds. Hailey. Adam Johnson J. H. Johnson. Joyce. Kent. Lee. Lynch. Latta. J. M. Murphy. McLeod. Marshall. Merritt. Millen. McVeigh. Matheny. Nunn. Page. Preston. Rindall. Rawlins. Reid. Robertson. Robison. Saben. Shirley. Shappard. Spears. Stephenson. Shepherson. Slicer. Stewart. Turner. Thorn. Thornburn. Tillar. Tuckwiller. White. Wheat. Williams. Wright. The Speaker.

The House resumed consideration of the bill of the Senate (S. 188) entitled An act defining the duties of the county clerk of Pulaski county.

Under a suspension of the rules.

On motion of Mr. Chapline.

The bill was read a third time and placed upon its passage.

Mr. Chapline moved the previous question which was seconded and the main question ordered, viz: Shall the bill pass?

The question being put,

It was decided in the affirmative.- yeas 40, nays 32, not voting 10.

Those who voted in the affirmative are:-

Messrs.	Messrs.
Berry, C. E.	Murphy, J. M.
Beardsley,	McLeod,
Chapline,	Marshall,
Corbell,	McGehee,
Cleveland,	Millen,
Cott,	Nunn,
Copeland,	Page,
Davis,	Rawlins,
Fox,	Saben,

Messrs.

Guthrie,
Guinn,
Hankins, A. M.
Hankins, O. S.
Hankins, Thomas
Harris,
Irelyn,
Johnson, Adam
Johnson, J. M.
Kingston,
Kent,

Shrigley,
Speaks,
Stephenson,
Shepherson,
Strong,
Sturdivant,
Turner,
Warwick,
White,
Williams,
The Speaker,

There who voted in the negative are:-

Messrs.

Bunn, Chas. F.
Bridenthal,
Chandler,
Chapman,
Crowley,
Cate,
Cunningham,
Dunn,
Eagle,
Forter,
Gist,
Gilbreath,
Reynolds
Harley,
Joyner,
Lynn,

Latta,
Murphy, Wm.
McVeigh,
Mayberry,
Mitchell,
Preston,
Pridgen,
Reid,
Sheppard,
Simpson,
Brown,
Thurman,
Tillman,
Tenney,
Walker,
Wright,

There about is not voting are:-

Messrs.

Berry, J. M.
Bunn, Neal
Bearley,
Barrett,
Lee,

Merritt,
Parish,
Robertson,
Robinson,
Wheat,

So the bill was passed.

Mr. Chapman moved that the vote last taken be reconsidered and also moved that the motion to reconsider be laid on the table: which latter motion was agreed to.

On motion of Mr. Warwick.

The House proceeded to consider the substitute for the bill of the House (Sub. H. R. 283) entitled An act to provide for the copying and preservation of mutilated records in the Auditor's office and for copying mutilated records and the comparing, classing other records in the office of Commissioner of Immigration and State Lands in this state, together with the Senate amendments thereto, viz: That the bill be amended by striking out the words "ten thousand" and inserting in lieu thereof the words "five thousand", also by striking out "six dollars for clerk hire" and inserting in lieu thereof "five dollars for clerk hire."

And,

Mr. Warwick moved that the House concur in the Senate amendments.

The question being put,

It was decided in the affirmative, — yeas 68, nays 2, not voting 12.

Those who voted in the affirmative are:

Messrs.

Berry, S. E.
Beardsley,
Bemis, Boyd
Bemis, Chas
Bridgenthal
Burtell,
Blanchard,
Bird,
Copeland,
Chandler,
Chapman,
Comby,
Cate,
Cunningham,
Davis,
Eagle,
Fox,
Gunnuck,
Gorton,
Kent,
Lee,
Lyon,
Latta,
Murphy, J. M.
McLeod,
Marshall,
McGehee,
Merritt,
Miller,
McCreight,
Mahoney,
Nunn,
Paye,
Peyton,
Pinckard,
Rankins,
Reid,
Sather,

Messrs.

Gist,
Gilbreath,
Garrett,
Gibson,
Hawkins, A. M.
Hawkins, O. S.
Hawkins, Thomas
Harris,
Reynolds,
Harley,
Ivy,
Johnson, Adam
Johnson J. H.
Joyner,
Kimbrough,

Messrs.

Spears,
Shepperson,
Strong,
Sumpter,
Stewart,
Turner,
Thurman,
Thompson,
Tarrick,
White,
Wall Co,
Williams,
Wright,
The Speaker.

There who voted in the negative are:-

Messrs.

Mitchell,
Shrigley.

There absent or not voting are:-

Messrs.

Berry, J. H.,
Bedsley,
Chapline,
Ergin,
Murphy, Wm.,
Parish,

Messrs.

Roberson,
Robinson
Sharpaud,
Stephenson,
Tillar,
Wheat,

So the Senate amendments was concurred in.

On motion of Mr. McVeigh,

The House proceeded to consider the bill of the House (H. R. 254) entitled An act to protect lewes of this state from injury by wagons, or other wheeled vehicles, with the Senate amendment thereto, viz:

Amend title of bill so as to read "a bill to protect lewes of Mississippi county from injury from wagons or other wheeled vehicles

Amend section 1, so as to strike out the words public lewes of this state and substitute public and private lewes of Mississippi county,

In section 3 strike out the words

circuit court at each term thereof in any county where the same may be applicable, and substitute the words, the circuit court of each term in the said county of Birmingham.

Mr. Copeland moved that the House concur in the Senate amendment.

The question being put,

It was decided in the affirmative.— yeas 68, nays 2, not voting 12.

Those who voted in the affirmative are:-

Messrs.

Berry, G. E.
Beckley,
Brown, Joel,
Brown, Chas. E.
Bridenthal,
Cottell,
Cleveland,
Coit,
Copeland,
Chandler,
Chapman,
Crowley,
Cate,
Cunningham,
Dent,
Eagle,
Fox,
Funkhouser,
Foster,
Gist,
Gilbreath,
Gizzell,
Grimm,
Hankins, O. S.
Hankins, Homer
Harris,
Haynes,
Jolly,
Johnson, Adam
Johnson, L. H.
Joyner,
Lyon,
Latta,
Murphy, J. M.
Marshall,
Merritt,
Millen,
McVeigh,
Mahony,
Mitchell,
Nunn,
Paige,
Preston,
Pindall,
Rushing,
Reid,
Sayer,
Shipley,
Sykes,
Stephenson,
Shepperson,
Styron,
Snedeker,
Stewart,
Turner,
Thomas,
Thompson,
Tillery,
Thornton,
Warnock,
White,
Walker,

Messrs.
Kinyston,
Keyit,
Lee,
Those who voted in the negative are:-
Messrs.
Ennis.
Those absent or not voting are:-
Messrs.
Berry, J. H.
Bedsley,
Chapline,
Hankins, A. M.
Hanley,
Murphy, Jno
Messrs.
Williams,
Wright,
The Speaker.
Messrs.
Shappard,
Messrs.
McLeod,
McKehee,
Parrish,
Robertson,
Robinson,
Wheat.
So the Senate amendments were concurred in
On motion of Mr. Thorne,
The House proceeded to consider the bill of the House (H. R. 289) entitled An act authorizing restrictory and regulatory the subscription, issue and registration of bonds by counties cities and towns,
Which was read a second time.
On motion of Mr. Thorne.
The bill was amended by striking out in section 1, all after the word "purposes" in the tenth line, and also by striking out the proviso to section 3.
Then
On motion of Mr. Thorne,
The rules were suspended (two-thirds of the members present voting therefore) and
The bill was read a third time and placed upon its passage.
Mr. Copeland moved the previous question which was seconded and the main question ordered, viz: Shall the bill pass.
The question being put,
It was decided in the affirmative
— yeas 39, nays 26, not voting 17.
Those who voted in the affirmative are;

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Messrs.

Berry. C. E.
Beardsley.
Brown. Neal.
Brown. Chas. F.
Chapline.
Corbell.
Cleveland.
Cort.
Copeland.
Dare.
Fox.
Furbush.
Hawkins. A. M.
Hawkins. C. S.
Hawkins. Warner
Hare.
Jorlyn.
Johnson. Adam
Johnson. J. M.
Kingston.

And who voted in the negation are:-

Messrs.

Bridenthal.
Chandler.
Chapman.
Crowley.
Cate.
Cunningham
Esmon.
Eagle.
Foster.
Gist.
Gilbreath.
Jarrett.
Hynds

And absent or not voting are:-

Messrs.

Berry. J. M.
Beasley.
Lineberger.
Bryan

Messrs.

Kent.
Lee.
Latta.
Memphy. J. M.
Memphy. Wm.
Marshall.
Millen.
Nunn.
Parker.
Quigley.
Stephenson.
Strong.
Stewart.
Tupper.
Thorne.
Warwick.
White.
Williams.

Messrs.

Hagler.
Lynch.
McCreight.
Matheny.
Mitchell.
Preston.
Pindall.
Reid.
Sumpter.
Thompson.
Tilson.
Walker.
Wright.

Messrs.

Rankins.
Robertson.
Robinson.
Sharpsaul.

Messrs.

McLeod,
McGehee,
Merritt,
Paige,
Parish,

Messrs.

Shepherson,
Thornton,
Wheat,
The Speaker,

So the bill was passed.

Mr. Cox moved that the vote last taken be reconsidered and also moved that the motion to reconsider be laid on the table; which latter motion was agreed to,

On motion of Mr. Cox,

Ordered, That the Speaker and Clerk of the House be authorized and directed to issue their certificate to W. P. Davison, Journal clerk of the House, for the same pro rata, as an assistant clerk, paid him during the session of 1871, and that the Clerk be allowed the same additional pay allowed during that session.

On motion of Mr. Dunn,

The House proceeded to consider the substitute for the bill of the Senate (Sub. S. 187) entitled an act to remove the county seat of Pope county,

Which was read a third time and placed upon its passage.

The question being put, Shall the bill pass?

It was decided in the affirmative.—yeas 44, nays 20, not voting 15.

Those who voted in the affirmative are:—

Messrs.

Berry, C. E.
Beckley,
Bunn, Neal
Bunn, Chas. F.
Chaplin,
Cobell,
Cleveland,
Cox,
Copeland,
Crowley,
Cate,

Messrs.

Litta,
Murphy, J. M.
Murphy, Wm.
McLeod,
Marshall,
McClure,
Nunn,
Paige,
Rankins,
Robinson,
Saben,

Messrs.

Davie,
Dick,
Drubrish,
Grimm,
Hankins, A. M,
Hankins, O. S.
Hankins. Simon
Irby,
Johnson, Adam,
Johnson, J. M.
Kent,

Those who voted in the negation are:-

Messrs.

Bridenthal,
Chandler,
Cunningham
Ennis,
Eagle,
Foster,
Gist,
Gorrell,
Haynes,
Harley,

Those absent or not voting are:-

Messrs.

Berry, J. M.
Bellamy,
Chapman,
Gilbreath,
Hans,
Joyner,
Lee,
McArthur,
Merritt,

So the bill was passed.

Messrs.

Shipley,
Speed,
Stephenson,
Shepperson,
Story,
Stewart,
Turner,
Thorne,
Maynard,
White,
Williams,

Messrs.

Kingston,
Lynn,
Matheny,
Mitchell,
Preston,
Pindall,
Reid,
Shannon,
Walker,
Wright,)

Messrs.

McVeigh,
Parrish,
Robertson,
Shapard,
Sumpter,
Tillar,
Thornbury,
Wheat,
The Speaker,

Pending the vote.

Mr Shapard asked (when his name was called) and was by unanimous consent excused from voting.

The vote was then announced as above

Mr. Dunn moved that the vote last taken be reconsidered and also moved that the motion to reconsider be laid on the table; which motion was agreed to.

On motion of Mr. Chapman

Ordered, That Mr. John F. Preston be allowed his per diem from the 6th day of January as though he had been in attendance at the daily sessions of the House from that day.

A message from the Senate by Mr. Orick their secretary, viz:—

Senate Chamber, April 24, 1873.

Mr. Speaker: I am instructed by the Senate to inform your honorable body of the passage by the Senate of S. B. No 211, entitled "Bill for an act entitled an act to fix the salary of the Chaplain of the penitentiary.

Also. S. B. No 196 entitled "A bill to prevent the sale of spirituous liquors within 3 miles from the manufacturing town of Bartlett in Pulaski County State of Arkansas,

Also (H. B. 33) entitled "An act for the relief of B. Kupfer and J. W. Neill

Also. H. B. No 362. entitled "A bill to be entitled an act to supply deficits in the appropriation to pay sheriffs and their guards for conveying convicts to the penitentiary.

Also. H. B. No. 209. entitled "An act to prohibit the sale of intoxicating liquors within certain distance of Bethel Church

Also (S. B. No. 212) entitled an act to provide for the election of sheriffs and fix their term of office.

Also. of House bills No. 122 entitled "An act for the better regulation and efficiency of Rail Road companies.

Also. Sub for (Sub H. B. 119) entitled "An act to provide for the election of justices of the peace and constables with amendments and herewith returns the same asking the concurrence of your honora-

ble body.

Also Sub. No. B, 357, entitled An act to provide for the payment of the current expenses of the state of Arkansas for two years commencing on the 1st day of July 1873. and ending on the 30th day of June 1875. and for balances due from the state, and herewith respectfully transmit the same,

On motion of Mr. Chaplin,

The House proceeded to consider the bill of the Senate (S. 141) entitled An act for selling certain lands to Jackson University.

Which was read a first time,

By unanimous consent,

Under a suspension of the rules,

The bill was read a second time by title.

Mr. J. M. Johnson moved that the bill lie on the table,

Which was not agreed to,

Mr. Fox moved that the rules be suspended and that the bill be read a third time,

Mr. J. M. Johnson asked for the yeas and nays,

Before the roll was called,

Mr. Furbush moved that the further consideration of the bill be indefinitely postponed, and demanded the previous question which was seconded and the main question ordered,

Mr. Cunningham asked for the year and nays,

The question being put, Shall the further consideration of the bill be indefinitely postponed?

It was decided in the affirmative—year 35. nays 32,

Those who voted in the affirmative are:—

Messrs.

Beardsley,
Bunn, Chas. F.

Messrs.

Johnson, Adam
Johnson, J. M.

Messrs.

Birbell,
Brit,
Brpeland,
Bhandler,
Bhapman,
Brurley,
Dark,
Dunbrick,
Gilmath,
Gorrell,
Hankins A. M.
Hankins O. S.
Hankins, Messrs.
Haynes,
Harley,
Joslyn,

Messrs.

Keyte,
Lynn,
Murphy, J. M.
Murphy, Wm.
Mobley,
Matheny,
Rankins,
Spears,
Stephenson,
Stephenson,
Sumpter,
Thornburg,
Trimble,
Wright,
The Speaker.

Those who voted in the negative are:-

Messrs.

Berry, B. E.
Bohm, Paul.
Brideuthal,
Chapline,
Cleveland,
Cunningham,
Fox,
Foster,
Gist,
Gunsaw,
Harris,
Joyner,
Kingston,
Lee,
Latta,
McLeod,

Messrs.

Merritt,
Mullen,
Mitchell,
Preston,
Pridull,
Reid,
Robinson,
Shingley,
Shipstead,
Sling,
Stewart,
Turner,
Thomas,
Thyson,
Thompson,
White,
Williams.

So the further consideration of the bill was indefinitely postponed.

Pending the vote

Mr. Stewart (when his name was called) sent to the clerk's desk the following explanation of his vote, viz:

Mr. Speaker: Because the state of Arkansas has been struggling for several years to maintain a system of free common schools at a very great expense and burdensome taxation, and because the school fund of the state for the support of schools common to all is in every locality exhausted and because I believe the public schools should receive all the support possible from the state in preference to the state expending her public treasure in the upbuilding of private enterprises while the common schools are suffering, I vote aye.

The vote was then announced as above.

On motion of Mr. Fox,

The House proceeded to consider the bill of the Senate, (S. 180) entitled An act supplementary to an act entitled an act to repeal an act entitled an act to authorize county courts of the several counties of the state of Arkansas to issue bonds for the erection of court houses and jails,

Which was read a first time,

And,

On motion of Mr. Mullen,

Ordered that the bill be rejected.

Mr. Murdoch, in accordance with previous notice, moved that the vote be reconsidered by which the House agreed to indefinitely postpone the further consideration of the substitute for the bill of the Senate (Sub. S. 57) entitled An act to make an appropriation to improve the Petit Jean river from its confluence with the Arkansas river to Dardanelle,

Which was agreed to,

On motion of Mr. Turner,

The House proceeded to consider the bill of the Senate (S. 136) entitled An act supplementary to an act entitled an act to provide for a general system of rail road incor-

porations.

Which was read a first time.
By unanimous consent,
Under a suspension of the rules,
The bill was read a second time by title,
On motion of Mr. McKeigh,
The bill was amended by striking out in the proviso to section 4 the words "In all cases of consolidation or purchase which have been, or hereafter be effected the company thus formed shall have and enjoy all the rights, powers, privileges, benefits, immunities, property and franchises held and enjoyed by their charters and the laws of this state, & the consolidating & purchased and purchasing companies." and, also by striking out in the same section all after the words "stock or bonds."

Then,
On motion of Mr. Turner,
The rules were further suspended (two-thirds of the members present voting therefor,) and,
The bill was read a third time and placed upon its passage.
Mr. Turner moved the previous question which was seconded and the main question ordered, viz; Shall the bill pass?
The question being put,
It was decided in the affirmative,
— yeas 34, nays 27, not voting 21.
Those who voted in the affirmative are:

Messrs.

Berry, 6. E.
Beardsley,
Brown, Hal,
Brown, Chas. F.
Chaplin,
Cleveland,
Cort,
Copeland,
Cate,
Davis,
Kent,
Lee,
Murphy, J. M.
Murphy, Chas.
Mullen,
McCreight,
Nunn,
Rankins,
Robinson,
Sauter,

Messrs.

Finbuch,
Grissom,
Hankins, A. M.,
Hankins, O. S.,
Hankins, Turner,
Johnson, Adam,
Johnson, L. H.,

Messrs.

Shipley,
Spears,
Stephenson,
Turner,
Warwick,
Williams,
The Speaker,

There who voted in the negative are,

Messrs.

Bridenthal,
Chandler,
Cunningham,
Ennis,
Eagle,
Fox,
Fuller,
Gay,
Gilbreath,
Garrett,
Hanby,
Kirkpatrick,
Latta,
Marshall,

Messrs.

Mcathany,
Mitchell,
Preston,
Pindall,
Reid,
Sumpter,
Stewart,
Thurman,
Tilbar,
Thornbury,
White,
Walker,
Wright,

Those absent or not voting are:-

Messrs.

Berry, J. H.,
Beasley,
Bobbett,
Chapman,
Conley,
Harris,
Hynds,
Jolyn,
Joyner,
Lynn,
McCord,

Messrs.

Mcclehee,
Merritt,
Page,
Parish,
Robertson,
Shapard,
Shepperson,
Strong,
Thurber,
Wheat,

So the following passed,

Mr. A. M. Hankins moved that the vote last taken be reconsidered and also moved that the motion to reconsider be laid on the table; which latter

motion was agreed to.

On motion of Mr. Kingston,

The House proceed to the consideration of the bill of the Senate (S. 125) entitled An act authorizing the Governor to appoint a state geologist to develop the mineral resources of the state of Arkansas and for other purposes,

Which was read a first time,

Mr. Reid Bynum moved that the rules be suspended and that the bill be read a second time;

Mr. Reid asked for the year and nays.

The question being put,

It was decided in the negative.—Yeas 32, nays 32.

The year and nays being demanded by five members,

Those who voted in the affirmative are:—

Messrs.

Berry, C. E.,
Brandsley,
Bynum, Reid,
Bynum, Chas. F.,
Cox,
Dane,
Hankins, A. M.,
Hankins, O. S.,
Hankins, Mamie,
Kingston,
Lee,
Murphy, J. M.,
McCord,
Marshall,
Millen,
Nunn,

Messrs.

Page,
Rawlins,
Robinson,
Saber,
Shrigley,
Shappard,
Spears,
Stephenson,
Shepherd,
Sturny,
Stewart,
Turner,
Warnock,
White,
Williams,
The Speaker,

Those who voted in the negative are:—

Messrs.

Bridenthal,
Chaplin,
Copeland,
Chandler,
Chapman,
Harley,
Johnson, J. A.,
Latta,
Merritt,
McVeigh,

Messrs.

Funtush,
Grimm,
Hankins, A. M.,
Hankins, O. S.
Hankins, Thomas,
Johnson, Adam,
Johnson, J. H.

Messrs.

Shipley,
Spears,
Stephenson,
Turner,
Warnick,
Williams,
The Speaker,

There who voted in the negative are.

Messrs.

Bridenthal,
Chandler,
Cunningham,
Ennis,
Eagle,
Fox,
Fuller,
Gay,
Gilbreath,
Jarrett,
Kerby,
Kirkpatrick,
Latta,
Marshall,

Messrs.

Mathews,
Mitchell,
Preston,
Pindall,
Reid,
Sumpter,
Stewart,
Thurman,
Tilbar,
Thornbury,
White,
Walker,
Wright

Those absent or not voting are:-

Messrs.

Berry, J. M.,
Beasley,
Bethell,
Chapman,
Conley,
Harris,
Hinds,
Jolyn,
Joyner,
Lynn,
McCloyd,

Messrs.

McKehee,
Merritt,
Page,
Parish,
Robertson,
Shapard,
Shepperson,
Stump,
Thurber,
Wheat,

So the following prevailed.

Mr. A. M. Hankins moved that the vote last taken be reconsidered and also moved that the motion to reconsider be laid on the table; which latter

motion was agreed to.

On motion of Mr. Kingston.

The House proceed to the consideration of the bill of the Senate (S. 125) entitled An act authorizing the Governor to appoint a state geologist to develop the mineral resources of the state of Arkansas and for other purposes.

Which was read a first time.

Mr. Neal Bynum moved that the rules be suspended and that the bill be read a second time.

Mr. Reid asked for the yeas and nays.

The question being put.

It was decided in the negative.—Yeas 32, nays 32.

The yeas and nays being demanded by five members.

Those who voted in the affirmative are:—

Messrs.

Berry, C. E.
Bellenfield,
Bynum, Neal,
Bynum, Chas. F.
Cort,
Davis,
Hankins, A. M.
Hankins, O. S.
Hankins, Homer,
Kingston,
Lee,
Murphy, J. M.
McCord,
Marshall,
Millen,
Nunn,

Messrs.

Page,
Rawlins,
Robinson,
Saber,
Shrigley,
Shappaul,
Spears,
Stephenson,
Shepherd,
Shivy,
Stewart,
Turner,
Warwick,
White,
Williams,
The Speaker,

Those who voted in the negative are:—

Messrs.

Bridenthal,
Chaplin,
Copeland,
Chandler,
Chapman,

Messrs.

Harley,
Johnson, J. H.,
Latta,
Merritt,
McVeigh,

Messrs.

Crowley,
Cunningham,
Ezzell,
Eagle,
Fox,
Fuller,
Gill,
Gilbreath,
Garrett,
Grissom,
Hughes,

Messrs.

Maltsby,
Mitchell,
Preston,
Pindall,
Reid,
Sumpter,
Thomason,
Tillman,
Thornberry,
Walker,
Wright.

So the rules were suspended (two-thirds of the members present not voting therefor)

On motion of Mr. White

The House proceeded to consider the bill of the House (H. R. 346) entitled An act appropriating money to pay C. L. Mealer for his services as commissioner in behalf of the state to investigate the disputed boundary line between the state and the Indian Territory.

Which was read a third time and placed upon its passage,

The question being put, Shall the bill pass? It was decided in the affirmative, — yeas 34, nays 30, not voting 18.

Those who voted in the affirmative are:-

Messrs.

Berry, C. E.
Beardsley,
Cate,
Copeland,
Cole,
Dare,
Fox,
Fairbanks,
Hunt,
Grissom,
Hawkins, Mercer
Harris,
Jorlyn,
Johnson, Adams,

Messrs.

Memphy, Jno.
Marshall,
McGehee,
Mitchell,
Agnew,
Robinson,
Shipley,
Shadpaul,
Shepperson,
Sharp,
Stewart,
Tuttle,
Tyree,
Warwick.

Messrs.

Johnson, J. H.,
Joyner,
Murphy, J. H.,

Those who voted in the negative:—

Messrs.

Burgin, Ned
Burgin, Chas. F.
Cleveland,
Chandler,
Cunningham,
Ervin,
Eagle,
Fuller,
Gilbreath,
Gorrell,
Haynes,
Harvey,
Kingston,
Kent,
Lee,

Messrs.

White,
Walker,
Williams.

Messrs.

Lynn,
Latta,
McLeod,
Merritt,
Miller,
Mahoney,
Proctor,
Rankin,
Reid,
Shaw,
Stephenson,
Sumpter,
Thomason,
Tillar,
The Speaker.

Those absent or not voting are:—

Messrs.

Berry, J. H.,
Beasley,
Biddle (Pitt)
Chapline,
Cobell,
Chapman,
Crowley,
Hankins, A. H.
Hankins, O. S.

Messrs.

McVeigh,
Page,
Pindall,
Parrish,
Robertson,
Sayer,
Thornburg,
Wheat,
Wright.

So the bill was passed.

Mr. Copeland moved that the vote last taken be reconsidered and also moved that the motion to reconsider be laid on the table; which latter motion was agreed to.

On motion of Mr. Dare.

The House proceeded to consider the bill of the House (H. R. 275) entitled An act for the relief of William H. Johnson of Sebastian county,

Which was read a third time and placed upon its passage.

The question being put. Shall the bill pass?

It was decided in the affirmative. — Yeas 33, nays 32, not voting 17.

Those who voted in the affirmative are:-

Messrs.

Berry, G. E.
Brown, Neal
Brinn, Chas. F.
Brickenthal.
Chaplin,
Cottell.
Cox.
Copeland.
Chapman.
Davis.
Fairbank.
Grissom,
Hankins, A. M.
Hankins, O. S.
Hankins, Mann
Ivey.
Johnson, Adam.

Those who voted in the negative are:-

Messrs.

Bagley,
Bate,
Cunningham,
Ennis,
Eagle,
Fuller,
Gill,
Gilbreath,
Garrett,
Harris,
Haynes,
Harley,
Lynch,
Latta,
McLeod,
McGehee,
Merritt,
Matheny,
Mitchell,
Preston,
Pindall,
Rawlins,
Reid,
Stewart,
Thynn,
Thurman,
Tillar,
Twitty,
White,
Walker,
Williams,
Wright

There absent or not voting are:-

Messrs.

Berry, J. H.
Bedderby.
Bearley,
Cleveland.
Chandler,
Fox,
Johnson, J. H.
Joyner,
Miller.

Messrs.

McVeigh.
Parish.
Robertson.
Sarber.
Stephenson.
Warnock.
Wheat.
The Speaker.

So the bill was passed.

Mr. A. H. Hankins moved that the vote last taken be reconsidered and also moved that the motion to reconsider be laid on the table, which latter motion was agreed to.

On motion of Mr. McGehee.

The House proceeded to consider the bill of the House (H. R. 349) entitled An act supplemental to an act to divide the state into sixteen judicial circuits; to confer original jurisdiction in all matters of probates and administration upon the circuit courts and to fix the time for holding said courts, together with the Senate amendments thereto, viz:-

Amend section 1, line 4, by striking out "6th" and inserting "7th" and strike out all after "the" in line 8 of section 1st and insert "4th Monday in January, May and September and continue six days"

Strike out section 2d and insert the following. "The circuit court in and for the 1st judicial circuit shall hereafter be held in the respective counties in said circuit at the following times, viz:-

In the county of Desha, on the first Mondays in February, June and October in each year.

In the county of Monroe, on the 3d Mondays in February, June, and October in each year.

In the county of Lee, on the 4th Mon-

days after the first Mondays in February. June and October in each year.

In the county of Phillips on the 6th Monday after the first Mondays in February, June and October in each year.

In section 3d line 3d strike out 7th and insert 12th and strike out all after "the" in line 6th section 3d and insert the following, "eighth monday after the second monday in January and September and 4th Monday after the 2d Monday in May in each year.

Strike out Section 7th and insert the following "The circuit courts for the 4th circuit shall be held as follows viz: In Benton county on the 2d Mondays in February, June and October, of each year.

In Madison county, on the first Mondays after the 2d mondays in February, June and October in each year

In Carroll county on the 2d Mondays in February, June and October, in each year.

In Boone county on the 3d Mondays after the 2d monday in February, June and October in each year.

In Marion county on the 4th Mondays after the 2d in February, June and October, of each year and hold one week"

Strike out section 8th, and insert the following the circuit court for the 8th circuit shall be held as follows.

In Polk county on the 2d Mondays in January, May and September in each year and continue six days.

In Lewis county on the 1st Mondays after the 2nd Mondays in January, May and September in each year and continue 12 days and the May term shall continue for six days.

In Little River county on the 3d Monday after the 2d Monday in January, May and September in each year and continue 12 days and the May term shall continue for six days.

In Pike county on the 5th Monday after

the second Monday in January, May and September in each year and continue 12 days and the 2d day term shall continue for six days.

Strike out section 9th and insert the following that the county of Dorsey be attached to the 9th Judicial circuit, and the circuit court of Dorsey county shall be holden on the 4th Monday after the second Monday in January and September and on the second Monday after the second Monday in May of each year and continue for six days.

In the county of Calhoun on the fifth Monday after the second Monday in January and September and on the third Monday after the second Monday in May of each year and continue for six days.

In the county of Ouachita on the sixth Monday after the second Monday in January and September and on the fourth Monday after the second Monday in May of each year and continue for long as the business of the court may require. Provided, that all laws or parts of laws in conflict with this act are hereby repealed and this act shall take effect and be in force from and after its passage

Mr. Furbush moved that the House concur in the Senate amendments. and

Also, moved the previous question, which was seconded and the main question, viz; Shall the Senate amendments be concurred in?

Mr. Ennis asked for the yeas and nays.

The question being put,

It was decided in the affirmative. — yeas 37, nays 29, not voting 16.

Those who voted in the affirmative are:

Messrs.

Beardsley,
Bunn, Chas. F.
Chaplin,
Corbell,
Cleveland,
Cort,
Murphy, J. M.
Murphy, Thos.
Marshall,
Miller,
Nunn,
Page,

Messrs.

Copeland.
Eastwick.
Foster.
Grimm,
Hinkins, A. M.
Hankins. O. S.
Hankins, Wm.
Harris.
Jordyn.
Johnson, Adam
Johnson, L. H.
Kingston.
Kent.

Those voting in the negative are:-

Messrs.

Brown, Fred
Chandler,
Cunningham,
Cummi.
Eagle,
Gibbs,
Gist,
Gilbreath,
Hazell
Hynds,
Hanley,
Lepin,
Latta,
McGehee,
Merritt,

Those absent or not voting are:-

Messrs.

Berry, C. E.
Berry, J. M.
Bickley,
Bridenthal,
Chapman,
Crowley,
Cate,
Dang.

Messrs.

Rawlins,
Robinson,
Sauber,
Shingler
Spears,
Stephenson,
Shepperson,
Sloan,
Stewart,
Turner,
Warnick.
Williams

Messrs.

McKeigh,
McKinney,
Mitchell,
Preston,
Pindall,
Reid,
Sumpter,
Thomas,
Thurman,
Tilden,
Thornberry,
Walker,
Wright,
The Speaker.

Messrs.

Izzard,
Lee,
McLeod,
Parrish,
Robertson,
Sheppard,
White,
Wheat.

So the Senate amendments were con-

carried nv.

Mr. Kingston moved that the vote last taken be reconsidered and also moved that the motion to reconsider be laid on the table; which latter motion was agreed to.

On motion of Mr. Thurber.

Ordered, That J. W. Calloway, clerk of the Committee on the Judiciary for the House in consideration of extra services on said committee, and services as clerk of other committees, be allowed two hundred dollars additional compensation.

On motion of Mr. Purtush.

The House resumed consideration of the bill of the Senate (S. 269) entitled An act supplementary to an act to establish the county of Lee.

Which was read a first time.

Mr. Purtush moved that the rules be suspended and that the bill be read a second time.

Mr. Stewart asked for the year and nays.

The question being put, Shall the rules be suspended?

It was decided in the negation, - yeas 43, nays 25.

The year and nays being desired by five members,

Those who voted in the affirmation are:-

Messrs.	Messrs.
Berry, G. E.	McLeod,
Beardsley,	Marshall,
Bunn, Neal,	Miller,
Bunn, Chas. J.	McVeigh,
Cleveland,	Matheny,
Coit,	Mitchell,
Copeland,	Nunn,
Fairbank,	Page,
Gist,	Rankin,
Hankins, A. M.,	Robinson,
Hankins, O. S.,	Sayler,
Hankins, Turner,	Shipley,
Harris,	Shepherd,
Irelyn,	Spears,
Johnson, Adam,	Stephenson,

Messrs.

Johnson, J. M.
Joynes,
Kingston,
Kent,
Lee,
Murphy, J. M.
Murphy, Wm.

Messrs.

Sheppenson.
Stump,
Sunden,
Tilden,
Warwick,
Walker.

And who voted in the negative are,

Messrs.

Bridenthal,
Chandler,
Cate,
Cunningham,
Eagle,
Fox,
Frazier,
Gilbraith,
Gravatt,
Greenway,
Hounds,
Hurley,
Lynch,

Messrs.

Latta,
Pindall,
Reid,
Stewart,
Thomas,
Thurman,
Thornbury,
White,
Walker,
Williams,
Wright,
The Speaker.

So the rules were not suspended (two-thirds of the members present not voting therefor).

On motion of Mr. A. M. Hawkins.

The House proceeded to consider the bill of the House (H. R. 279) entitled an act to change the boundary lines of Desha county and for other purposes.

Which was read a first time.

And,

On motion of Mr. J. M. Johnson

Ordered, That the bill lie on the table.

Mr. Reid at 10 o'clock and 4 minutes P. M. moved that the House adjourn.

Which was not agreed to.

On motion of Mr. White.

The House proceeded to consider the bill of the Senate (S. 208) entitled an act to fix the time for holding the circuit court of Sebastian county.

Which was read a first time.

By unanimous consent
Under a suspension of the rules,
The bill was read a second time by title,
On motion of Mr. White,
The rules were further suspended (two-thirds of the members present voting therefor) and
The bill was read a third time and placed upon its passage.
The question being put,
It was decided in the affirmative — yeas 53, nays none, not voting 24.
—Those who voted in the affirmative are:—
Messrs.

Berry, C. E.
Brown, Neal
Brown, Chas. S.
Brickenthal
Cleveland,
Copeland,
Cox,
Chandler,
Crowley,
Cate
Cunningham,
Davis,
Emmis,
Eagle,
Fairbrush,
Foster,
Fox,
Galbreath,
Garrett,
Gibson,
Hankins, O. S.
Hankins, Vernon
Harris,
Heynes,
Hardy,
Ingle,
Johnson, Auburn

Kinyon,
Kent,
Lee,
Lynn
Murphy, J. M.
Murphy, Wm.
Marshall,
Merritt,
Miller,
Mitchell,
Nunn,
Page,
Pierce,
Rahinn,
Sayler,
Shirley,
Shappard
Stephenson,
Stacy,
Snapp,
Silbar,
Thornburg,
Waymack,
White,
Williams
Wright,

None voting in the negative,
Those absent or not voting are:—

Messrs.

Berry, J. H.
Beardsley.
Beasley.
Chapline.
Corbell.
Chapman.
Fox.
Hawkins, A. M.
Johnson, J. H.
Joynes.
Latta.
McLeod.
McKelvee.
McVeigh.
Maltbey.

So the bill was passed.

On motion of Mr. Marshall

the House proceeded to consider the bill of the Senate (S. 131) entitled An act to provide for the publication and distribution of the journals of the General Assembly and other public documents,

Which was read a third time,

Mr. Corbell moved the previous question which was seconded and the main question ordered, viz: Shall the bill pass?

The question being put,

It was decided in the affirmative, — yeas 36, nays 20, not voting 26.

Those who voted in the affirmative are:-

Messrs.

Berry, C. C.
Bynum, Neal
Bynum, Chas. F.
Corbell,
Cleveland,
Cox,
Copeland,
Dunn,
Fentress,
Grimm

Messrs.

Lee,
Murphy, Jno.
McLeod,
Marshall,
Merritt,
Nunn,
Paye,
Robinson,
Sayler,
Shipley.

Messrs.

Hankins, A. M.
Hankins, O. S.
Hankins, Marvin
Harris,
Jordyn,
Johnson, Adam,
Johnson, J. M.
Kingston,

Those who voted in the negative are:-

Messrs.

Shappard,
Spears,
Shepperson,
Spring,
Sumner,
Warwick,
Wheat,
The Speaker.

Those who voted in the affirmative are:-

Messrs.

Chapman,
Crowley,
Fox,
Fitzpatrick,
Gist,
Gilmatt,
Hoyuds,
Ingram,
Kent,
Murphy, J. M.

McVeigh,
Mitchell,
Preston,
Rawlins,
Robertson,
Stephenson,
Stewart,
Timmons,
White,
Williams,

There absent or not voting are:-

Messrs,

Berry, J. M.
Beardsley,
Beardsley,
Bridenthal,
Chapline,
Chandler,
Cato,
Cunningham,
Ennis,
Eagle,
Hazlett,
Hagley,
Lynn,

Latta,
Mechem,
Miller,
Mathews,
Pindall,
Parrish,
Reid,
Sumpter,
Thurman,
Tillar,
Thornburg,
Walker,
Wright.

So the bill was passed.

Mr. Barber moved that the vote just taken be reconsidered and also moved that the motion to reconsider be laid on the table; which Latter motion was agreed to.

Mr. Thomas moved that the House

pass to the consideration of the bill of the House (H. R. 96) entitled An act to provide for the payment of jurors and witnesses in justices' courts.

Which was not agreed to.

Mr. Harris moved that the House pass to the consideration of the bill of the House (H. R. 951) entitled An act to permit drunkards from holding office in the state.

Which was not agreed to.

On motion of Mr. Copeland.

The House proceeded to consider the bill of the House (H. R. 300) entitled An act to require the grantor to make deeds in certain cases.

Which was read a second time.

And,

On motion of Mr. Marshall,

Ordered, That the bill lie on the table.

On motion of Mr. Reid,

The House proceeded to consider the bill of the Senate (S. 68) entitled An act for the protection of married women and for other purposes.

Which was read a first time,

By unanimous consent,

Under a suspension of the rules,

The bill was read a second time by title,

On motion of Mr. Keyt,

The rules were further suspended (two-thirds of the members present voting therefor) and

The bill was read a third time and placed upon its passage,

Mr. Copeland moved the previous question, which was seconded, and the main question ordered, viz: Shall the bill pass?

The question being put,

It was decided in the affirmative,—yeas 40, nays 15, not voting 2.

Those who voted in the affirmative are:—

Messrs.

Beggy, B. E.,
Beardsley,
Bowen, Thad,

Messrs.

Keyt,
Latta,
Memphy, J. M.

Messrs.

Bunn, Chas. F.
Chapline.
Cleveland.
Levit.
Copeland.
Cunningham.
Foster,
Gist.
Grimm.
Hankins, A. Mc.
Hankins, O. S.
Hankins, Monn.
Harris.
Hynds,
Johnson, Adam
Johnson, J. Mc.
Kingston,

Those who voted in the negative are:-

Messrs.

Bridenthal,
Chandler,
Crowley,
David,
Emmett,
Hanby,
Lee,
Lynn,
Mayphy, Chas.
McLeod,
Marshall,
Merritt,
McCreight,
Ray, Wm.
Robinson,
Sarber,
Shrigley,
Stephenson,
Shepherson,
Stump,
Stewart,
Turner,
Thornburg,
Warnick,
White,

Those absent or not voting are:-

Messrs.

Berry, J. H.
Bewley,
Cobell,
Chapman,
Cate,
Ennis,
Equels,
Fox,
Fruhush,
Gilmath,
Jordyn
Mallory,
Millen,
Mitchell,
Page,
Preston,
Parrish,
Robertson,
Shappard,
Sumpter,
Tillar,
Wheat,
Walker,

Messrs. Joyner, McAlpee,

Messrs. The Speaker.

So the bill was passed.

On motion of Mr. Kingston

The House proceeded to consider the bill of the House (H. R. 269) entitled An act to provide for the further prosecution of the geological and mineralogical survey of the state of Arkansas.

Which was read a third time.

Mr. Robinson moved that the bill lie on the table.

Mr. Kingston asked for the yeas and nays.

The question being put.

It was decided in the affirmative.—

Yeas 48 nays 10.

The yeas and nays were ~~tendered~~ entered by five members.

Those who voted in the affirmative are:—

Messrs.

Beardsley,
Brown, Chas. J.,
Burden (Sab.)
Chaplin,
Chandler,
Crowley,
Cunningham,
Ervin,
Eagle,
Fox,
Foster,
Gist,
Gilbreath,
Hazlett,
Grisson,
Hankins, A. M.,
Hankins, Simon,
Harris,
Heynds,
Harley,
Jordan,
Johnson, Adam,

Messrs.

Lynn,
Latta,
Murphy, Thos.
McLeod,
Merritt,
McVeigh,
Matthews,
Mitchell,
Nunn,
Preston,
Pindall,
Rankins,
Reid,
Robinson,
Speer,
Stephenson,
Semples,
Stewart,
Turner,
Thurman,
Tilghman,
Thornbury.

Messrs.

Johnson, J. H.,
Lynch,
Lee,

Those who voted in the negative are—

Messrs.

Walker,
Williams,
Wright.

Messrs.

Berry, L. E.
Bynum, Neal
Cobell,
Dane,
Kingston,

Messrs.

Marshall,
Mayfield,
Shipley,
Shepherd,
Warwick,
White.

So the bill was laid on the table.

A message from the Senate by Mr. Quick their Secretary, viz:—

Senate Chamber, April 24, 1873.

Mr. Speaker: I am instructed by the Senate to inform your honorable body that the Senate have passed House Bill No 340 ~~entitled~~ entitled An act amendatory of and supplementary to an act to aid in construction of railroads, approved May 21st 1868, with the accompanying amendments, and therewith transmit the same and ask the concurrence of your honorable body.

On motion of Mr. Robinson.

The House proceeded to consider the bill of the House (H. R. 196) entitled An act to provide for the burial of Peter Conway.

Which was read a third time and placed upon its passage.

Mr. Robinson moved the previous question which was seconded and the main question ordered, viz:— Shall the bill pass?

The question being put,

It was decided in the affirmative—

yeas 40, nays 16, not voting 26.

Those who voted in the affirmative are:—

Messrs.

Bynum, Neal
Bynum, Chas. F.

Messrs.

Murphy, D. M.
Murphy, Wm.

Messrs.

Chaplin
Cleveland
Cox,
Copeland,
Cate,
Davis,
Frederick,
Gist,
Gunnin,
Hankins, A. M.
Hankins, O. S.
Harris,
Irby,
Johnson, Adam
Johnson, J. C.
Kingston,
Lee,
Hankins, Mann.

Those who voted in the negative are:—

Messrs.

Brideothal,
Chandler,
Cunningham,
Ervin,
Eagle,
Kilbreath,
Linsell
Hopkins,

Those absent or not voting are:—

Messrs.

Berry, C. E.
Berry, J. H.
Beardsley,
Beasley,
Cobell,
Chapman,
Crowley,
Fox,
Foster,
Hurley,
Joyner,

Messrs.

McLeod,
Marshall,
Mallen,
Mitchell,
Nunn,
Rountree,
Robinson,
Shrigley,
Speals,
Stephenson,
Shepperson,
Strong,
Stewart,
Joyner,
Seymour,
Thornburg
White,
Williams.

Messrs.

Kent,
Lynn,
Mahoney,
Preston,
Reid,
Tillar,
Walker,
Wright,

Messrs.

Merritt,
McVeigh,
Page,
Pindall,
Parish,
Robertson,
Sarden,
Shapard
Sumpter,
Travers,
Warwick,

Messrs.
Latta,
McGehee
& the bill was passed.

Mr. Robinson moved that the vote last taken be reconsidered and also moved that the motion to reconsider be laid on the table; which latter motion was agreed to.

On motion of Mr. White.

The House proceeded to consider the bill of the Senate (S. 130) entitled "An act amending an act for incorporation of cities and towns", approved July 23, 1868.

Which was read a third time, and placed upon its passage.

The question being put, Shall the bill pass?

It was decided in the affirmative, yeas 37, nays 5, not voting 40.

Those who voted in the affirmative are:-

Messrs.
Berry, B. E.
Byrd,
Copeland,
Chandler,
Cate,
Davis, R.
Eagle,
Fox,
Gilbreath,
Garrett,
Guess,
Hawkins, A. M.
Hawkins, Mann
Harley,
Irby,
Johnson, Adam
Johnson, J. R.
Joyner,
Kenny etc.

Messrs.
Murphy, J. M.
Murphy, Mrs.
Marshall,
Merritt,
McClellan,
Mitchell,
Robinson,
Sartin,
Shrigley,
Speak,
Shipperson,
Stynes,
Stewart,
Thomason,
Thornberry,
White,
Walker,
Williams.

Those who voted in the negative are:-

Messrs.
Lee,

Messrs.
Preston

Messrs.
Reid,
Wright.

Messrs.
The Speaker.

There absent or not voting are:-

Messrs.
Berry, J. H.
Beardsley,
Brown, Neal
Brown, Chas. F.
Bradley,
Breidenthal,
Chapline,
Corbell,
Cleveland,
Chapman,
Crowley,
Cunningham
Emmons,
Furbush,
Foster,
Hunt,
Harris,
Reynolds,
Rhyne,
Lyon

Messrs.
Lallo,
McLeod,
McGehee,
McHugh,
Matheny,
Nunn,
Paye,
Pindall,
Parrish,
Rawlins,
Robertson,
Shappard,
Stephenson,
Sumpter
Turner,
Thorn,
Tillar,
Warwick
Wheat,
Watkins, O. S.

So the bill was passed.

On motion of Mr. Warwick.

The House proceeded to consider the bill of the Senate (S. 212) entitled An act to provide for the election of sheriffs and fix their term of office.

Which was read a first time.

By unanimous consent.

Under a suspension of the rules

The bill was read a second time by title, and

On motion of Mr. Warwick.

The rules were further suspended (two-thirds of the members present voting therefor) and

The bill was read a third time and placed upon its passage.

The question being put. Shall the bill pass?

It was decided in the affirmative.

year 56, nays none, not voting 26.

Those who voted in the affirmative are:-

Messrs.

Berry, b. E.
Bibb, Neal,
Bunn, Chas. F.
Chaplin,
Cobbell,
Cleveland,
Cort,
Copeland,
Chipman,
Cate,
Davis,
Fox,
Frudrick,
Gist,
Gilbreath,
Graves,
Hankins, A. M.
Hankins, O. S.
Hankins, Turner
Harris,
Reynolds,
Shelby,
Johnson, Adam
Johnson, J. M.
Joyner,
Kingston,
Kent,
Lee,

Those voting in the negative.

Those absent or not voting are:-

Messrs.

Berry, J. M.
Beardsley,
Beasley,
Brickell
Chandler,
Crowley,
Cunningham,
Ervin,
Murphy, J. M.
Murphy, Wm.
McLeod,
Marshall
Merritt,
Moller,
McKeigh,
Mitchell,
Nunn,
Paige,
Pierce,
Rankins,
Robertson,
Robinson,
Sayler,
Shrigley,
Sneed,
Stephenson,
Stephenson,
Shinn,
Stewart,
Turner,
Thomas,
Trammell,
White,
Wheat,
Williams,
The Speaker.

Messrs.

Latta,
McGehee,
Matheny,
Pinkerton,
Parish,
Reid,
Sharpard,
Smith.

Messrs.

Eagle,
Fitts.
Garrett,
Hanley,
Lynch.

Messrs.

Linnann.
Lillan.
Thornburg.
Walker,
Wright.

So the bill was passed.

On motion of Mr Midden.

The House proceeded to consider the bill of the Senate (S. 181) entitled An act to authorize the funding of a floating debt of the cities of Pine Bluff and Fort Smith.

Which was read a first time.

By unanimous consent

Under a suspension of the rules.

The bill was read a second time by title.

On motion of Mr. Midden

The rules were further suspended (two-thirds of the members present voting therefor) and

The bill was read a third time and placed upon its passage

The question being put, Shall the bill pass?

It was decided in the affirmative, —

year 44, nays 7, not voting 31.

Those who voted in the affirmative are:-

Messrs.

Berry, C. E.
Bradley,
Brown, Neal
Chapline,
Cleveland,
Cox,
Copeland
Chapman,
Cate,
Davis,
Fox,
Gist,
Garrett,
Grissom,
Hawkins, A. M.
Hawkins, O. S.

Messrs.

Lynch,
Murphy, J. M.
Murphy, Jno.
Marshall,
McGehee,
Midden,
McHugh.
Nunn,
Page,
Robinson,
Sayler,
Shipley,
Spain,
Stephenson,
Shepherd,
Shinn,

Messrs.

Hankins, Mamon
Harris.
Hayneb.
Johnson, Adam
Johnson, J. H.
Joyner,

Those who voted in the negative are:-

Messrs.

Cunningham,
Ervin,
Eagle,
Horton,
Harley.

Those absent or not voting are:-

Messrs.

Berry, J. H.
Brown, Chas. F.
Beasley,
Braddenthal,
Bushell,
Chandler,
Crowley,
Fairbanks,
Gilbreath,
Irby,
Kingston,
Kent,
Lee,
Little,
McLeod,
Merritt,

Messrs.

Sleuart,
Tillman,
Thornburg,
Walker,
Williams,
Wright,

So the bill was passed,

Mr. Finch moved that the vote last taken be reconsidered and also moved that the motion to reconsider be laid on the table; which latter motion was agreed to.

On motion of Mr. Finch

The House proceeded to consider the substitute for the bill of the Senate (Sub. S. 57) entitled An act to make an appropriation to improve the Petit Jean river from its con-

Messrs.

Mitchell,
Preston,
Pindall,
Parish,
Rawlins,
Robertson,
Shappard,
Simpson,
Turner,
Thorn,
Thurman,
Warwick,
White,
Wheat,
The Speaker.

thence with the Arkansas river to Dardanelle.

Which was read a third time and placed upon its passage.

Mr. Faubush moved the previous question which was seconded and the main question ordered, viz: Shall the bill pass?

The question being put,

It was decided in the negative.— Yeas 33, nays 36, as it stood 13.

Those who voted in the affirmative are:-

Messrs.

Berry, C. E.
Bynum, Chas. F.
Chapline,
Cleveland,
Cox,
Copeland,
Chapman,
Fox,
Faubush,
Grimm,
Hankins, A. M.
Hankins, O. S.
Hankins, Simon,
Harris,
Irby,
Isbell, Adam,
Isbell, J. M.
Kingston,
Lee,
Murphy,
Marshall,
McGehee,
Miller,
Nunn,
Page,
Robinson,
Sayre,
Shipley,
Speas,
Stephenson,
Turner,
Williams,
The Speaker.

Those voting in the negative are:-

Messrs.

Brown, Neal
Merritt.

Messrs.
Bridenthal,
Chandler,
Crowley,
Cute,
Cunningham,
Eagle,
Fuller,
Gist,
Gilbreath,
Jarrett,
Reynolds,
Harley,
Joyner,
Lynn,
Latta,
Murphy, J. M.,
McLeod.

Messrs.
Mahoney,
Mitchell,
Preston,
Pindall,
Rawlins,
Reid,
Sheppeard,
Sumpter,
Stewart,
Thurmond,
Thurman,
Tillman,
Thrasher,
Warwick,
White,
Walker,
Wright.

Those absent or not voting are:

Messrs.
Berry, J. H.,
Beardsley,
Beasley,
Bethell,
Dane,
Emmons,
Kent,

Messrs.
McVeigh,
Parrish,
Robertson,
Shapland,
Stuart,
Wheat.

So the bill was not passed.

A message from the Senate by Mr. Orick their secretary, viz:-

Senate Chamber, April 24, 1873.

Mr. Speaker:- I am directed by the Senate to inform your honorable body of the passage by the Senate of Sub. H.B. No 196. entitled An act to provide for the burial of Peter Conway. and herewith respectfully return the same.

Mr. White gave notice that he would on the morrow move to reconsider the vote by which the House agreed to indefinitely postpone the further consideration of the bill of the Senate (S. 141) entitled An

act for selling certain lands to Judson University.

Mr. Dunbar gave notice that he would on the morrow move to reconsider the vote by which the House refused to pass the substitute for the bill of the Senate (Sub. S. 57) entitled An act to make an appropriation to improve the Petit Jean river from its confluence with the Arkansas river to Dardanelle

Mr. Turner, at 11 o'clock and 54 minutes P.M. moved that the House adjourn until 9 o'clock A.M. on the morrow.

Mr. J. M. Johnson moved an amendment that the House adjourn until 8 o'clock A.M. on the morrow.

Which was not agreed to.

The original motion then agreed to And

The House accordingly at 11 o'clock and 55 minutes P.M. adjourned until 9 o'clock A.M. on the morrow.

Approved

Thos. Hinkley Speaker.

Attest

Henry Hopkins Clerk.

Friday, April 25, 1873.

The House met at 9 o'clock A.M.

The roll being called it appeared that the following named members were present and answered to their names, viz:-

Messrs. C. E. Berry, J. H. Berry, Beardsley, Neal Brown, Chas. F. Brown, Chapline, Chaplin, Corbell, Cleveland, Cant, Copeland, Chandler, Chapman, Crowley, Cate, Cunningham, Davie, Ennis, Eagle, Fox, Furbush, Foster, Gist, Gilbreath, Gravett, Grayson, A. M. Hawkins, O. F. Hawkins, Mann Hawkins, Harris, Hynds, Harley, Adam Johnson, J. M. Johnson, Joyner, Kingston, Kent, Lee, Lynn, Latta, Wm. Murphy, McLeod, Marshall, Merritt, Miller, McVeigh, Matheny, Mitchell, Nunn, Paige, Preston, Pindall, Parrish,

Rawlins, Reid. Robertson, Robinson, Sarber, Shipley, Shapard, Spears, Stephenson, Shepperson, Shirley, Swingley, Stewart, Turner, Thurmon, Thomason, Tillar, Wheat, Walker, Williams, Wright, The Speaker.

Pending the reading of the journal of Tuesday, Wednesday and Thursday.

Mr. Bit moved that the further reading of the journals be dispensed with.

Mr. Reid asked for the year and nays.

The question being put.

It was decided in the affirmative, - yeas 39. nays 32.

The yeas and nays being demanded by five members.

Those who voted in the affirmation are:-

Messrs.

Berry, C. E.
Chapline.
Cofell.
Chandler,
Chapman,
Crowley.
Coate.
Cunningham
Ennis.
Eagle.
Fike,
Frst.
Gilbreath.
Garrett.
Hankins, A. M.
Harris.
Johnson, Adam
Johnson, J. M.

Messrs.

Lynn.
Latta
Murphy, J. M.
McLeod.
Marshall.
Miller.
Nunn.
Paye
Rawlins.
Robinson.
Sarber.
Shrigley.
Shipshard.
Spears.
Stephenson.
Shirey.
Snyder.
The Speaker.

Those who voted in the negation are:-

Messrs.

Berry, J. M.
Bedinger,
Brown, Abel
Brown, Chas. F.
Bridenthal,
Bort.

Messrs.

McAtheny.
Mitchell,
Preston,
Pindall,
Reid,
Robertson.

Messrs.

Copeland.
Davis.
Fyfe.
Grissom.
Hankins.
Haynes.
Harley.
Joyner.
Lee.
McNeigh.

Messrs.

Shepperson.
Simpkins.
Stewart.
Thomas.
Thurman.
Tillar.
Thornburg.
White.
Walker.
Wright

So the House agreed to dispense with the further reading of the Journals.

Mr. Cuningham, subsequently sent to the clerk's desk the following protest against the action of the House in agreeing to dispense with the further reading of the Journals, viz:-

We the undersigned members of the House of Representatives do solemnly protest against the pretended journals of the House of Representatives being considered as the journals of this House for the 22, 23, 24 and 25 days of April, 1873, because said journals are not read before the House as the rules direct, although the reading was demanded by a vote of 35 to 36.

We regard such proceedure as unlawful, in violation of the rules of this House, unconstitutional and revolutionary.

John. C. Walker,
W. M. McKee.
J. M. Merritt.
J. M. Berry.
J. E. P. Tillar,
J. W. Thurman.
F. M. Lynn.
Joseph Wright
Wm. R. Harley.
W. Robinson.
J. F. Cuningham
L. D. Gilbreath
David Chandler
R. Joyner,

John L. Stumpfer,
Geo. G. Latta.
D. Bridenthal.
J. M. Foster.
W. A. Mathews.
John. J. Preston.
B. M. Brawley.
D. J. Haynes.
M. M. Erwin.
J. C. Eagle.
J. H. Garrett.
H. M. McNeigh
E. J. Gudger.
Wm. M. Cate.

6. Thursday.

On motion of Mr. Coit.

Ordered, That the bookkeeper and docket clerk be allowed the same per diem heretofore allowed the journal clerk as an assistant clerk.

A message from the Senate by Mr. Orrick, their secretary, viz:-

Senate Chamber, April 25, 1873.

Mr. Speaker; I am instructed by the Senate to inform your honorable body that the Senate has concurred in House amendments to S.B. 156 entitled an act supplemental to an act entitled an act to provide for a general system of railroad incorporations.

On motion of Mr. Furbush,

The House proceeded to consider the bill of the Senate (S. 209) entitled An act supplementary to an act to establish the county of Lee.

Which was read a second time.

On motion of Mr. Furbush,

Ordered, That the bill be read a third time.

Mr. Stewart made the point of order, that the bill could not be read a third time on the same day, unless the rules were suspended for that purpose.

The Speaker, (Mr. J. H. Johnson in the chair) ruled the point of order not well taken, - that the House having by acclamation ordered the bill to be read a third time, it was not competent, unless that vote may reconsidered for the chair to again put the question in order to ascertain by a division of the House or on call of the yeas and nays, whether or not two-thirds of the members present had voted therein.

The bill was then read a third time and placed upon its passage.

Mr. Furbush moved the previous question, which was seconded and the main question ordered, viz: Shall the bill pass?

The question being put.

It was decided in the affirmative.—
yeas 37, nays 27, not voting 18.
Those who voted in the affirmative are:—

Messrs.

Berry, G. E.
Beardsley,
Brown, Chas. F.
Chapline,
Corbell,
Cort,
Copeland,
Dane,
Gutrich,
Hankins, A. M.
Hankins, O. S.
Hankins, Warren,
Harris,
Jorlyn,
Johnson, Adam,
Johnson, J. M.
Joynes,
Kagle,
Lee,
Murphy, Wm.
McLeod,
Marshall,
McGehee,
Miller,
Nunn,
Page,
Rawlins,
Robinson,
Sarber,
Shipley,
Shepherd,
Spears,
Stephenson,
Shepherson,
Stuart,
Tinsley,
The Speaker.

Those who voted in the negative are:—

Messrs.

Berry, J. M.
Brown, Segal
Brydenthal,
Chandler,
Crowley,
Cole,
Cunningham,
Ervin,
Eagle,
Gist,
Garrett,
Gibson,
Hazels,
Lynn,
Latta,
Matheny,
Preston,
Pindall,
Reid,
Symptes,
Stewart,
Thorn,
Thomason,
Thornburg,
Walker,
Williams,
Wright,

Those absent or not voting are:—

Messrs.

Beasley,

Messrs.

Merrill,

Messrs.

Cleveland.
Chapman.
Fox.
Foster,
Gilbreath.
Harley.
Kingston.
Murphy J. M.

So the bill was passed.

Mr. Purbush moved that the vote last taken be reconsidered and also moved that the motion to reconsider be laid on the table; which latter motion was agreed to.

Mr. Stewart subsequently sent to the clerks desk the following protest against the passage the passage of the above bill, viz:-

We the undersigned, members of the House of Representatives, desire to enter our protest against the manner in which Senate bill No. 209 was hurriedly rushed through this House, and in violation of every principle of parliamentary law, that it was not read on three different days, as required by the constitution, nor were the rules suspended. The bill was never read a third time, by title or otherwise, and is not a valid law.

George W. Stewart,
Jerry Simms,
Lewis H. Latta.
John J. Preston.
David Chandler
John L. Sumpter
B. H. Conley
W. H. H. Reid.
D. J. Hynds.
Joseph Wright,
M. M. Erwin.
E. W. Thomas
H. J. Pindall,
D. Rudenthal,
H. M. McVeigh.
Messrs.
McVeigh.
Mitchell,
Parrish.
Robertson,
Tillar,
Warwick.
White,
Wheat.

John W. Williams.
L. C. White.
C. Shumate,
W. H. Matheny.
F. M. Lynn.
L. D. Gilbreath.
William R. Harley.
John C. Walker.
George Thornburg.
J. O. Eagle.
J. W. Burnett.
J. H. Berry.
J. F. W. Gillar.
W. L. Chapman
William H. Cate.

James H. Hunt. Neal Burns.
W. H. Mochehee. J. F. Cunningham.
John W. Fox.

On motion of Mr. Faukenberg

The House proceeded to consider the bill of the Senate (Sub. S. 125) entitled An act authorizing the Governor to appoint a geologist to develop the mineral resources of the State of Arkansas and for other purposes.

Which was read a second time.

By unanimous consent.

Under a suspension of the rules.

The bill was read a third time by title and placed upon its passage.

Mr. Faukenberg moved the previous question which was seconded and the main question ordered, viz: Shall the bill pass?

The question being put,

It was decided in the affirmative. — Yeas 38, nays 33. not voting 11.

Those who voted in the affirmative are:-

Messrs.

Berry, B. E.
Beardsley,
Brown, Neal
Brown, Chas. F.
Cargill,
Cate,
Copeland,
Davis,
Faubush,
Hankins, A. M.
Hankins, O. S.
Hankins, Mann
Harris,
Ivy,
Johnson, Adam
Johnson, J. H.
Kingston,
Murphy, J. M.
Murphy, Wm.

Messrs.

Marshall,
Mochehee,
Millen,
Munn,
Page,
Rawlins,
Robinson,
Sayler,
Shipley,
Shapbard,
Spears,
Stephenson,
Shepperson,
Strong,
Turner,
Warwick,
White,
Williams,
The Speaker.

Those who voted in the negative are:-

Messrs.

Berry, J. H.
Bridenthal,
Chandler,
Conley,
Cate,
Cunningham,
Egnew,
Eagle,
Fyfer,
Frit,
Gillbreath,
Jarrett,
Grissom,
Hoyuds,
Harlan,
Joyner,
Kent,

Those absent or not voting are:-

Messrs.

Beasley,
Chapline,
Cleveland,
Chapman,
Fox,
McLeod,

Messrs.

Lee,
Lynn,
Latta,
McVeigh,
Matheny,
Mitchell,
Preston,
Pindall,
Reid,
Sumpter,
Stewart,
Shinn,
Thurman,
Tillar,
Walker,
Wright,

Messrs.

Merritt,
Parish,
Robertson,
Dimitry,
Wheat,

So the bill was passed.

Hon. D. S. Hankins moved that the vote last taken be reconsidered and also moved that the motion to reconsider be laid on the table, which latter motion was agreed to.

A message from the Senate by Mr. Orick their secretary, viz

Senate Chamber, April 25, 1873.

Mr. Speaker: I am instructed by the Senate to inform your honorable body of the passage by the Senate of H. B. No. 275, entitled An act for the relief of Wm. H. Johnson of Sebastian County, Arkansas, and herewith respectfully return the same.

On motion of Mr. Chapline
The House proceeded to consider the bill of the Senate (S. 211) entitled An act to fix the salary of the chaplain of the penitentiary.
By unanimous consent.
Under a suspension of the rules.
The bill was read a first and second time.
Mr. Chapline moved that the rules be further suspended and that the bill be read a third time.
Mr. Eagle asked for the year and nays.
The question being put. Shall the rules be suspended?
It was decided in the negative, — yeas 38, nays 31.
The year and nays being desired by five members.
Those who voted in the affirmative are:-

Messrs.

Berry, C. E.
Beverley,
Brown, Neal
Brown, Chas. F.
Chapline.
Cobell,
Cort,
Copeland.
Davis,
Gibson,
Hankins, A. M.
Hankins, O. S.
Hankins, Moses
Harris,
Jarvis,
Johnson, Adam,
Joyner,
Kingston,
Lee,

Messrs.

Murphy, J. M.
Murphy, Wm.
McLeod,
Marshall,
McCreheé,
Miller,
Nunn,
Page,
Rawlins,
Robinson,
Sayer,
Shrigley,
Shapland,
Spears,
Stephenson,
Shepherson
Strong,
Swiger,
White.

Those who voted in the negative are:-

Messrs.

Berry, J. H.,

Messrs.

Lyon,

Messrs.

Bridenthal.
Chandler.
Crosby.
Cate.
Cunningham.
Ennis.
Eagle.
Foster.
Gist.
Gilbreath.
Jarrett.
Reynolds.
Bailey.
Johnson, J. H.
Kent.

Messrs.

Latta.
McKeigh.
Malkemus
Mitchell.
Preston.
Pindall.
Reid.
Sumpter.
Stewart.
Shipman.
Tillar.
Walker.
Williams.
Wright.

So the rules were not suspended (two-thirds of the members present not voting therefor).

A message from the Senate by Mr. Orrick their Secretary, viz:-

Senate Chamber, April 25, 1873.

Mr. Speaker: I am instructed by the Senate to inform your honorable body of the passage by the Senate of H. B. No 346 entitled A bill to be entitled an act appropriating money to pay C. F. Meador for his services as commissioner in behalf of the state to investigate the disputed boundary lines between the state and the Indian Territory.

Also, Sub for H. B. No. 289 entitled An act authorizing, restricting and regulating the subscription issue and registration of bonds by counties, cities and towns.

Also H. B. No 184 entitled An act to authorize the legal voters of school district No. 5 in Prairie Co. to levy a tax.

Also of the refusal by the Senate to pass Sub for H. B. No 298 entitled An act to prohibit the further issuance of state aid bonds to railroads, under the act to aid in the construction of railroads, approved July 21st 1868.

Also of the refusal by the Senate to pass H. B. No 157, entitled An act to regulate freights fares, mileage &c. on all railroads in the state of Arkansas, and herewith respectfully return the same.

On motion of Mr. Kent.

The House proceeded to consider the bill of the Senate (S. 36) entitled An act concerning the par value of shares in incorporated companies.

Which was read a third time and placed upon its passage.

The question being put, Shall the bill pass?

It was decided in the affirmative. Yeas 44, nays 12, not voting 26.

Those who voted in the affirmative are:-

Messrs.

Berry, C. E.
Beardsley,
Bynum, Chas. S.
Bridenthal.
Cabell,
Cleveland,
Coit,
Copeland,
Crumley,
Cate,
Davie,
Eagle,
Furbush,
Gowell,
Grimm,
Hawkins, A. McG
Hawkins, O. S
Hawkins, Simon
Harley,
Joslyn,
Johnson, Adam
Johnson, J. H.
Jayne,
Kent,
Lynn,
Murphy, Wm,
McLeod,
McGehee,
Miller,
McVeigh
Nunn,
Page,
Rawlins,
Robinson,
Spears,
Shepherson,
Story,
Sandefer,
Turner,
Trowbridge,
White,
Williams,
Wright,
The Speaker.

Those who voted in the negative are:-

Messrs.

Berry, J. M.
Chandler,
Cunningham,
Ennis
Gilbreath,
Hegnes,

Messrs.

Matheny,
Mitchell,
Preston,
Randall,
Reid,
Stephenson,

Three absent or not voting are.

Messrs.

Brown, Neal
Bearley,
Chipline,
Chapman,
Fox,
Foster,
Gist,
Harris,
Kingston,
Lee,
Latta,
Murphy, J. M.
Markhall,

Messrs.

Merritt,
Parish,
Robertson,
Sarber,
Shively,
Shapland,
Stewart,
Shumm,
Shuman,
Tillar,
Warnick,
Wheat,
Walker,

So the bill was passed.

Mr. Neal moved that the vote last taken be reconsidered and moved that the motion to reconsider be laid on the table; which latter motion was agreed to.

By unanimous consent.

Mr. Fox from the Committee on the Judiciary to whom was referred the bill of the House (H. R. 298) entitled An act to repeal act entitled an act to aid in the construction of rail roads, approved July 21, 1868, reported the same and recommended a substitute therefor.

The report of the committee was adopted and the substitute was accordingly adopted in lieu of the original bill.

Under the operation of the previous question.

On motion of Mr. Fox.

The substitute bill was read a third

time and placed upon its passage.

The question being put. Shall the bill pass?

It was decided in the affirmative. — yeas 73. nays 1. not voting 8.

Those who voted in the affirmative are:

Messrs.

Berry, C. E.
Berry, J. M.
Beardsley,
Brown, Neal,
Brickenthal,
Chaplin,
Corbell,
Cleveland,
Coit,
Copeland,
Chandler,
Chapman,
Crowley,
Cate,
Cunningham,
Dare,
Ennis,
Eagle,
Fix,
Frederick,
Foster,
Gist,
Gilbreath,
Garrett,
Griffin,
Hawkins, O. S.
Hopkins, Mann,
Harris,
Hynds,
Harley,
Jolly,
Johnson, J. H.
Joyner,
Kingston,
Kent,
Lee,

Messrs. Lynn.

Murphy, J. M.
Murphy, Mrs.
McLeod,
Marshall,
McGehee,
Merritt,
Millen,
McVeigh,
Matheny,
Mitchell,
Mann,
Paye,
Preston,
Pindall,
Rawlins,
Reid,
Robertson,
Robinson,
Sayler,
Shipley,
Speed,
Stephenson,
Shipperson,
Spivey,
Sharpless,
Stewart,
Tyree,
Thomas,
Tillar,
Thornbury,
Warwick,
White,
Walker,
Williams,
Wright,
The Speaker.

There voting in the negative.
Mr. Adams Johnson,
Those absent or not voting are:

Messrs. Messrs.

Brown, Chas. F. Parrish.
Beasley, Shapland.
Hopkins. A. M. Turner,
Latta, Wheat,

So the bill was passed.

Mr. Robinson moved that the vote last taken be reconsidered and also moved that the motion to reconsider be laid on the table; which latter motion was agreed to,

By unanimous consent,

On motion of Mr. Pindall.

The title of the bill was changed to read An act to prohibit the further issuance of said road bonds.

Mr. Fox from the same committee to whom was referred the substitute for the bills of the Senate. (S. 44, 54) entitled An act for the assignment and enforcement of liens of raiders and land lords, also the bill of the House (H. R. 317) entitled An act to amend the law in relation to duress in this state, and also the bill of the House (H. R. 270) entitled an act to abolish the office of circuit prosecuting attorneys and to provide each county of the state with such officer and prescribe the manner of his appointment and election, reported the same without report thereon.

And,

On motion of Mr. Fox,

Ordered. That the bills lie on the table.

On motion of Mr. Warnick.

The House proceeded to consider the substitute for the bill of the House (Sub. H. R. 119) entitled An act to provide for the election of justices of the peace and constables, together with the Senate amendments thereto, viz:

That the bill be amended by strik

striking out "1873" wherever it occurs and inserting in lieu thereof "1874"; and also by striking out "1875" wherever it occurs and inserting in lieu thereof "1876".

Mr. Warnock moved that the House concur in the Senate amendments.

The question being put,

It was decided in the affirmative.—

yeas 50, nays 2, not voting 30.

Those who voted in the affirmative are:—

Messrs.

Berry, G. E.
Berry, J. H.
Brehm, Neal
Brown, Chas. F.
Brideenthal.
Chapline.
Cobell.
Cleveland.
Coit.
Cope Land.
Chandler.
Chapman.
Ervin.
Eagle.
Fox.
Furbush.
Foster.
Garrett.
Grimm.
Hankins, Mervin
Irsley.
Johnson, Adam
Joyner.
Kingston
Led.

Messrs.

Latta,
Murphy, J. H.
Murphy, Wm.
McLeod,
Marshall,
McInnes
Merritt.
McKeen.
Matheny,
Mitchell,
Preston.
Rawlins.
Robinson,
Stephenson.
Snapler,
Stewart,
Turner,
Timm.
Thomson.
Gillan,
Thornbury,
Warnick.
Walker,
Williams.
The Speaker.

Those who voted in the negative are:—

Messrs.

Lynn

Messrs.

Reid,

Those absent or not voting are:—

Messrs.

Beardsley

Messrs.

McVeigh.

Messrs.

Beasley,
Crowley,
Cate,
Cunningham,
Davie,
Gist,
Gilbreath
Hawkins. T. W.
Hawkins. O. S.
Harris,
Hynds,
Harley,
Johnson. J. H.
Kent,

Messrs.

Nunn,
Page,
Pindall,
Parrish,
Robertson,
Sanders,
Shipley,
Shipp and,
Spears,
Shepperson,
Strong,
White,
Wheat,
Wright.

So the Senate amendments were concurred in,

The hour of 10 o'clock and 30 minutes A. M. having arrived.

+ The House proceeded to consider the special order set for that hour being the consideration of the bill of the Senate (S. 184) entitled An act in relation to the forfeited lands in certain counties in the State of Arkansas,

Which was read a third time and placed upon its passage.

Mr. J. H. Johnson moved the previous question which was seconded and the main question ordered, viz: Shall the bill pass?

The question being put,

It was decided in the affirmative.—

Ayes 24, nays 16.

Those who voted in the affirmative are:

Messrs.

Chaplin,
Cox,
Copeland,
Chapman,
Fox,
Grissom,
Hawkins. Thomas
Harris,
Johnson, J. H.,

Messrs.

Murphy, Asa,
Marshall,
Millen,
Robinson,
Sayles,
Shrigley,
Tunnel,
Tunstall,
Yarnick,

Messrs.
Kent.
Latta
Murphy, J. M.
Three have voted in the negative are:-
Messrs.
Berry, J. M.
Chandler.
Cunningham.
Eagle.
Hart.
Kilbreath.
Reynolds.
Lynn.
So the bill was passed.

*

Pending the vote.

Mr. Walker (when his name was called) rose to the clerk's desk the following explanation of his vote, viz:-

Mr. Speaker: In casting my vote upon this my important bill, I desire to say that I have no expression from my constituents as to what their will is upon this matter. Being decidedly in favor of railroads my inclination is to vote for the bill. But having no indication as to what the wish of my constituents is upon the subject of donating the lands of the state to railroad companies, I vote no

Mr. Cunningham subsequently rose to the clerk's desk the following explanation of his vote, to which the name of Mr. Thurman was attached, viz:-

Mr. Speaker: In explanation of my vote upon this measure in desiring to say, while we would like to see the forfeited lands of this state utilized for the common benefit and general prosperity thereof, and believe that nothing will serve such purposes more than a wise and healthy system of internal improvements, yet when we consider the measure

of taxes by the general revenue bill passed at the present session of the General Assembly which will necessitate the forfeiture of many even thousands of acres, that would otherwise make thousands of the poor counties state happy in the enjoyment of comfortable homes and fertile fields. The further effect of this bill will be to strengthen already oppressive corporations at the expense of the people.

In addition to these considerations many of the projected and beneficiary entities mentioned have no promise or hope of construction but are designed for blockcrediting and speculation, thereby defeating a just and equitable appropriation of such lands either for the benefit of railroads or the encouragement of thrifty and energetic and immigration. A careful perusal of the bill will reveal these objections and suggest many more. We vote no.

The vote was then announced as above.

Mr. Purtle moved that the vote last taken be reconsidered, and also moved that the motion to reconsider be laid on the table, which latter motion was agreed to.

Mr. Purtle rose to a privileged question, and stated that he was informed that the vote had been incorrectly announced by which the House had refused to pass the substitute for the bills of the House (H. R. 71, 155) entitled An act supplemental to an act entitled An act to provide for the payment of property purchased or taken for the use of the militia forces of the state of Arkansas while in actual service in the year 1868 and 1869, under the proclamation and orders of the Governor, and to provide for the payment of militia forces for services actually rendered, approved March 28, 1871, and also moved that the ballot be annulled.

The motion was agreed to.

And

The ballot was annulled as follows—

Yeas 38. Nays 39.

Voting in the affirmation.
Messrs. C. E. Berry. Beasley. Chas. F. Bunn Chaplin. Cottell. Cleveland. Crit. Copeland. Davis Fintrich. F. M. Hankins. O. S. Hankins. Homer Hankins. Harris. Jordyn. J. H. Johnson. Nelson Johnson. Kingston Kent. Lee. J. M. Murphy. Wm. Murphy. McLeod. Marshall. Miller. Winn. Page. Rawlins. Robinson. Surber. Shipley. Shapard. Shears. Stephenson. Shirey. Turner Wyatt. The Speaker.

Voting in the negative:-
Messrs. J. H. Berry. Neal Bunn. Bridenthal. Chandler. Chapman. Crowley. Cate. Cunningham. Ervin. Eagle. Fox. Fiske. Gilbreath. Enright. Griggs. Hynds. Harley. Joyner. Lynn. Latta. McKechee. McVeigh. Matheny. Mitchell. Preston. Pruitt. Reid. Shepherson. Snyder. Stewart. Thurman. Thurman. Tilden. Thornbury. White. Walker. Williams. Wright.

A majority of the members present and voting having voted in the negative.

Pending the announcing of the ballot,
Mr. Cleveland stated that he had voted in the affirmation,
The correction being made
The result was announced as above.

By unanimous consent,
Mr. McLeod moved that the Speaker of the House, two members of the Committee on Enrolled Bills, Clerk and Journal Clerk be and are hereby authorized and instructed to remain at the capital a sufficient time not to exceed ... days for the purpose respectively in their official capacities of approving and signing the journals of the House, approving the copy thereof and signing the enrolled bills superintending the enrollment of bills of the House - making final settlement of

accounts and turning over the property of the House to the State and also of performing such other duties as may be required of them respectively.

On motion of Mr. Thomas.

The motion was amended by filling the blank with the word "ten"

On motion of Mr. J. H. Berry.

The motion was further amended by striking out the words "approving and"

The motion, as amended was then agreed to.

On motion of Mr. J. H. Berry.

The reading of the journals of Tuesday, Wednesday and Thursday was dispensed.

Pending the further reading of the journals.

By unanimous consent.

On motion of Mr. Fox,

The Speaker was authorized to appoint a committee of five to act with a similar committee from the Senate for the purpose of waiting upon the Governor and ascertaining whether he had any further communication to lay before the General Assembly.

The Speaker appointed as such committee Messrs. J. W. Fox, I. McMichael, G. G. Latta D. Bridenthal and J. H. Johnson.

Pending the further reading of the journals.

Mr. Sater moved that the further reading of the journals be dispensed with and that the House pass to the consideration of the bill of the House (H.R. 310) entitled "An act amendatory of and supplementary to an act to aid in the construction of railroads," approved July 21, 1868.

Mr. Thornburg asked for the yeas and nays.

The question being put, Shall the reading of the journals be dispensed with?

It was decided in the negative.—yeas 28, nays 67.

The yeas and nays being desired by

five members,

Those who voted in the affirmation are:-

Messrs.

Berry, C. E.
Beardsley,
Bryan, Thos.
Chapline,
Corbett,
Cleveland,
Cox,
Davis,
Hankins, F. H.
Hankins, O. S.
Hankins, Messrs.
Joslyn,
Kinkaid,
Kelly,

Those who voted in the negation are:-

Messrs.

Berry, J. H.
Bynum, Chas. E.
Bridenthal,
Copeland,
Chandler,
Chapman,
Crosby,
Cate,
Cunningham,
Ezzell,
Eagle,
Fox,
Galbraith,
Foster,
Gist,
Gilbreath,
Garrett,
Gwinn,
Harris,
Reynolds,
Harley,
Johnson, Adam
Johnson, J. H.

Messrs.

Lee,
Murphy, J. M.
McLeod,
Mullen,
Nunn,
Saber,
Shipley,
Shelor,
Stephenson,
Storey,
Tucker,
Wamick,
Wheat,
The Speaker.

Messrs.

Murphy, Wm.
Marshall,
McGehee,
Merritt
McVeigh,
Matthews,
Mitchell
Paige,
Preston,
Pindall,
Rankins
Reid,
Robertson,
Robinson,
Shepherd,
Shumpter,
Stewart,
Tynan,
Thomason,
Tillar,
Thornbury,
White,
Walker.

Messrs. Lagner, Lyon, Latta,

Messrs. Williams, Wright,

So the House refused to dispense with the reading of the journals.

Pending the vote,

Mr. Fox sent to the clerk's desk the following explanation of his vote, viz:

Mr. Speaker: I desire to submit the following explanation for my vote on the bill which returned to this House from the Senate with an amendment passed by that body. I voted for the bill when it passed this body and joined with the Hon. W. D. Warnock in an explanation written out by him at the time, which gave some of the most potent reasons for the passage of the bill. I will state in addition that I voted for the bill believing it to be a choice between two evils. Yet that the state has now a measure which position I now believe to be correct. 2nd, that the state can legally bound to pay the principal and interest on all bonds issued to aid in the construction of railroads, I always believed it to be a bad policy to lend the credit of the state to private corporations, and I believe the people of this state now see the fallacy of the doctrine which induced them to ratify and confirm the act of 1868. But the evil growing out of the passage of this bill is making the state a stockholder in the railroad corporations, in which relation to the corporations the state must be charged with a pro rata of the debts of all such corporations in which she became interested by the subscription asked for in this bill. To say nothing about the unconstitutionality of making the state a stockholder in any private corporation. The danger of charging the state with additional debts of railroad corporations is sufficient to induce me to vote against the amendment.

fered to the bill by the Senate, and against the mo-
tion to suspend the reading of the journals to
pass to the consideration of said bill and a-
mendments.

The vote was then announced as above.

Mr. Warwick rose to a question of privilege and sent to the clerk's desk the following affidavits and asked that they be spread upon the journal, viz:-

Mr. Speaker: I send the following from affi-
davits to the clerk's desk and ask that they be
spread on the journal.

I hereby state on oath that the testimo-
ny as printed by "special committee on issue
of State bonds in reference to Benjamin Thomas
Commissioner of Public Works was not given
as published but was garbled to the injury of
said commissioner.

L. F. B. Johnson,

Subscribed and sworn to before me
L.S. this 25th day of April A. D. 1873.
Frank Stubing N.P.

I hereby state on oath that the testimo-
ny as printed by the "special committee on
issue of state bonds," in reference to Benj.
Thomas, Commissioner of Public Works was
not published as signed and hereby a cor-
rect one was given

Jno. E Willis

Subscribed and sworn to before me
L.S. this 25th April A. D. 1873,
Frank. Stuny
Notary Public
Little Rock, April 25 '73.

I hereby state that the testimony as
published in a pamphlet and circulated
in the House of Representatives yesterday
as the testimony taken before the special
committee on the issue of state bonds
does not properly present the evidence as
given before said committee, but is dis-

to-tied and garbled to the injury of Benj Gaines Thomas as Comr of Public Works. Dated the 25th day of April A.D. 1873.

E. H. Phillips.

L.S. Subscribed and sworn to before me this
L.S. 25th day of April A.D. 1873.

Frank Strong. Notary Public.

Little Rock. April 25th 73.

I hereby state on oath that my evidence as given before the special committee of the House of Representatives on the issuance of state bonds as published in pamphlet form recently does not in no manner truth fully correspond with my evidence before said committee and is garbled to the injury of parties mentioned and I never signed any such testimony as published.

David Dunn.

L.S. Subscribed and sworn to before me
L.S. this 25th day of April A.D. 1873.

Frank E. Strong. Notary Public

On motion of Mr. Kingston.

The House proceeded to consider the bill of the Senate (S. 106) entitled An act to quiet titles and prevent conflict in the sale of Lands by the state of Arkansas and by the United States

Which was read a third time and placed upon its passage.

The question being put, Shall the bill pass?

It was decided in the affirmative.

Ayes 70, Nays none, and Voting 12.

Those who voted in the affirmative are:-

Messrs.

Berry, B. E.
Berry, J. H.
Beardsley,
Bynum, Paul
Bynum, Chas. D.
Chapline.
Cox, W.

Messrs.

Latta,
Murphy, Wm
McLeod.
Marshall.
McGehee.
Merritt.
Miller.

Messrs.
Aberhart,
Ayt,
Copeland,
Chandler,
Chapman,
Crowley,
Cate,
Ennis,
Eagle,
Fix,
Furlong,
Foster,
Gist,
Gilbreath,
Garrett,
Grissom,
Hawkins. A. M.
Hawkins. Adams
Hans,
Hynds,
Hanley,
Johnson. Edgar
Johnson. J. M.
Joyner,
Kingston,
Kent,
Lee,
Lynn,

None voting in the negative,

Those absent or not voting are:-

Messrs.

Beasley,
Burdenthal,
Cunningham,
Dare,
Hankins. O. S.
Ivey,

So the bill was passed.

Mr. Miller moved that the thanks of the House are due and are hereby tendered the Speaker for the able and impartial

Messrs.

McNeigh,
Mahoney,
Mitchell,
Nunn,
Page,
Preston,
Pindall,
Rankins,
Reid,
Robertson,
Robinson,
Sasser,
Shipley,
Sheard,
Stephenson,
Shepherson,
Strong,
Sinclair,
Stewart,
Thomason,
Tillar,
Thornton,
Warwick,
White,
Wood
Walker,
Williams,
Wright.

Messrs.

Murphy, J. M.
Parish,
Sharpe,
Tynan,
Turner,
The Speaker.

by impartial manner in which he has discharged his official duties.

Which was agreed to.

On motion of Mr. Cobell,

The Speaker was authorized to appoint a committee of three to wait upon and inform the Senate that the House had completed its labors for the present session.

The Speaker appointed as such committee Messrs. L. D. Cobell, M. M. Ervin and W. H. C. Reid.

On motion of Mr. Kingston,

The House proceeded to consider the bill of the Senate, (S. 102) entitled "An act defining the duties of the Commissioner of State Lands and to regulate the sale of all lands belonging to the state"

Which was read a first time.

Mr. Copeland moved that the bill lie on the table.

Mr. J. M. Berry asked for the yeas and nays.

The question being put,

It was decided in the negative.—yeas 18, nays 32.

The yeas and nays being demanded by five members.

Those who voted in the affirmative are:—

Messrs.

Berry, J. M.;
Bradbury,
Chaplin,
Cleveland,
Copeland,
Chandler,
Ervin,
Eagle,
Hankins, O. M.,

Messrs.

Hankins, O. S.,
Hynds,
Joyner,
Kingston,
Murphy, J. M.,
Miller,
Mitchell,
Nunn,
Pindall.

Those who voted in the negative are:—

Messrs.

Berry, E. E.

Messrs.

McGehee,

Messrs.

Brown, Neal
Briden thal.
Cate,
Cunningham,
Fox,
Fentress,
Foster,
Gist,
Gilbreath,
Grimm,
Harris,
Johnson, J. H.
Lynn,
Latta,
Murphy, Wm.

Messrs.

McVeigh,
Malkemy,
Preston,
Rawlins,
Shipley,
Shears,
Spring,
Sumpter,
Stewart,
Turner,
Thurman,
Tillar,
Thornburgh,
Warwick,
Williams

So the House refused to lay the bill on the table,

Pending the further consideration of the bill,

By unanimous consent,

On motion of Mr. Mullen,

Ordered, That the journals of April 22, 23, 24 and 25, stand approved.

The hour of 12 o'clock meridian having arrived,

The Speaker rose and said:

Representatives, The time has arrived for an official separation, I would like very much to deliver a valedictory to indicate any feelings on this occasion but for fear that I might be interrupted in the midst of it by a point of order, in pursuance of authority vested in me by a joint resolution of the General Assembly, I do now declare this House of Representatives adjourned, without day.

And thereupon the House, at 12 o'clock M., Friday April 25, 1873, adjourned sine die.

Approved

Lucien Mackey

Speaker House of Representatives

Attest

Lucien Cooper Clerk.